



**VILLAGE OF BISCAYNE PARK**  
640 NE 114TH STREET  
BISCAYNE PARK, FL 33161  
TEL: 305 899 8000 FAX: 305 891 7241  
www.biscayneparkfl.gov

**AGENDA**  
**REGULAR COMMISSION MEETING**  
**Ed Burke Recreation Center - 11400 NE 9th Court**  
**Biscayne Park, FL 33161**  
**Tuesday, April 5, 2011 at 7:00PM**



Indicates documents are attached to this agenda.

**Mayor and Commission**

Roxanna Ross  
Mayor

Steve Bernard  
Vice Mayor

Robert "Bob" Anderson  
Commissioner

Albert Childress  
Commissioner

Bryan Cooper  
Commissioner

Ana Garcia  
Village Manager

John J. Hearn  
Village Attorney

Maria Camara  
Village Clerk

**1 Call to Order**

**2 Roll Call**

**3 Pledge of Allegiance**

**4 Presentations**



- 4.a Proclamation recognizing the week of April 17th through the 23rd, 2011, as Childhood Cancer Awareness Week

- 4.b Miami-Dade County Recycling Program - presented by Jeanmarie Manze Massa, Recycling Manager, Miami-Dade County Department of Solid Waste Management

**5 Additions, Deletions or Withdrawals to Agenda**

**6 Public Comments Related to Agenda Items / Good & Welfare**

**7 Village Manager Report**

7.a Village Manager Garcia:

> Update on workshop/training for clear communication, conflict resolution techniques, organizational growth and development, and consensus building / training.

> Sunshine and Public Records Workshop by Joe Centorino, Miami-Dade State Attorney's Office/Public Corruption Unit (Tentatively scheduled for Tuesday, April 26, 2011 at 6:30PM).

> IT Infrastructure - RFP



> Village circulator Workshop (Scheduled for Saturday, April 9, 2011 at 10:00AM)

7.b Village Clerk Maria Camara



> Accruals update

> Newsletter



> Public Records Request Policy



> Commission consensus on Commissioner Cooper's public records request for a DVD copy of all commission meetings since December 2009.

7.c Finance Director Michael Arciola:

> March 2011 monthly Financials

> CAFR extension confirmation



> Local option gas tax.

7.d Parks & Recreation Coordinator Issa Thornell

> Ball field treatment

> Upcoming special events: Egg Hunt and Village Market

## 8 Consent Agenda



8.a Approval of Minutes

> February 24, 2011 Workshop - Fencing Ordinance

> March 1, 2011 Regular Commission Meeting



8.b **Resolution 2011-14**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **RELATING TO RIGHT-OF-WAY UTILITY POLES**; URGING AT&T, COMCAST, FLORIDA POWER & LIGHT ("FPL") AND ALL OTHER SERVICE PROVIDERS ("SERVICE PROVIDERS") TO EXPEDITE TRANSFER OF UTILITY SERVICES FROM "DECOMMISSIONED" UTILITY POLES TO THE NEW "HARDENED" FPL UTILITY POLES BEING INSTALLED ALONG THE VILLAGE'S RIGHTS-OF-WAY; AND REQUESTING EACH SERVICE PROVIDER TO PROVIDE A SCHEDULE FOR COMPLIANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

*(Sponsored by Mayor Roxanna Ross)*



8.c **Resolution 2011-15**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RELATING TO **EXTENSION OF THE MEDIAN ALONG NORTHEAST 121ST STREET** AT ITS INTERSECTION WITH NORTHEAST 5TH AVENUE; PROVIDING FOR DIRECTION TO THE VILLAGE MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE.

*(Co-Sponsored by Mayor Roxanna Ross and Commissioner Bob Anderson)*



8.d **Resolution 2011-16**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA RELATING TO CONTRACTS; AUTHORIZING THE MAYOR TO EXECUTE THE ATTACHED **CONTRACT FOR MEDIAN MAINTENANCE SERVICES** PURSUANT TO THE REQUEST FOR PROPOSAL 2011-01 WITH GROUNDKEEPERS, INC., TO PROVIDE UP TO 24 MEDIAN MAINTENANCE SERVICES TO THE VILLAGE; IN AN AMOUNT NOT TO EXCEED \$21,048.00; AND PROVIDING FOR AN EFFECTIVE DATE. *(Sponsored by Village Manager Ana Garcia)*



8.e **Resolution 2011-18**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **APPROVING THE EXPENDITURE OF POLICE FORFEITURE FUNDS** OF NOT MORE THAN \$2,000 FOR THE PURCHASE OF BULLET PROOF VESTS; PROVIDING FOR AN EFFECTIVE DATE *(Chief Mitchell Glansberg)*



8.f

A Order of the Village Commission of the Village of Biscayne Park, Florida directing the Village Attorney to receive from the Clerk a report on three to five "Ethics Hot-line" related companies providing services to government; with back-ground information, analysis, cost and resulting documentation forwarded in advance to the full Commission, along with Village Attorney recommendation, one week prior to next full Commission meeting. *(Sponsored by Commissioner Bryan Cooper.)*



8.g **Resolution 2011-19**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **RATIFYING THE APPOINTMENT OF VICTOR ROMANO TO THE BISCAYNE PARK FOUNDATION**; PROVIDING FOR AN EFFECTIVE DATE *(Sponsored by Commissioner Bob Anderson)*



8.h **Resolution 2011-20**

RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK **RATIFYING THE APPOINTMENT OF CAITLIN H. SPURR TO THE RECREATION ADVISORY BOARD**; PROVIDING FOR AN EFFECTIVE DATE *(Sponsored by Mayor Roxanna Ross)*

**9 Public Hearings**

< None >

**10 Ordinances - FIRST READING**

< None >

## Ordinances - SECOND READING

< None >

### 11 Resolutions



#### 11.a Resolution 2011-13

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **ESTABLISHING A CONSENT AGENDA** AND PROCEDURES FOR SAME; PROVIDING FOR AN EFFECTIVE DATE *(Sponsored by Commissioner Bob Anderson)*

### 12 Old Business



#### 12.a Board Member Appointments

Code Enforcement: Selection of replacement for Dario Salazar by Commissioner Cooper



#### 12.b Vice Mayor Steve Bernard: A discussion of FPL Hardening project - 8th Ave, 10th Ave, 119th St.

### 13 New Business



#### 13.a Commissioner Cooper: "New police department procedures vs. continuing crime waves in the Village." *(Moved from the March 1, 2011 meeting.)*



#### 13.b Commissioner Cooper: "Future condensed short bullet list of agenda items to be sent on day 7, prior to Commission meeting, by Clerk to Commission". *(Moved from the March 1, 2011 meeting.)*



#### 13.c Vice Mayor Bernard: A discussion of a new shade tree at the Recreation Center. *(Moved from the March 1, 2011 meeting.)*



#### 13.d Vice Mayor Bernard: A discussion for an Ad Hoc Art Review Board. *(Moved from the March 1, 2011 meeting.)*



#### 13.e Commissioner Cooper: Police style badges given to Commissioners *(Moved from the March 1, 2011 meeting.)*



#### 13.f Vice Mayor Bernard: A discussion of Consent Agenda Items

### 14 Final Public Comment

### 15 Reports

#### 15.a Committee Reports



- i > Parks & Parkway Advisory Board
- ii > Code Review Board



> Update provided by Code Review Board Chair, Gage Hartung

- iii > Recreation Advisory Board
- iv > Ecology Board

#### 15.b Village Attorney

#### 15.c Commissioner Comments

- > Vice Mayor Steve Bernard
- > Commissioner Bob Anderson
- > Commissioner Al Childress
- > Commissioner Bryan Cooper
- > Mayor Roxanna Ross

### 16 Announcements

All public meetings are held at the Ed Burke Recreation Center, 11400 NE 9th Court, Biscayne Park.

Saturday, April 9th - Village Circulator Workshop at 10:00am

Tuesday, April 12th, Special Commission meeting at 7:30pm, preceded by an Executive Session at 6:30pm.

Tuesday, April 12th, Code Review Board at 7:00pm - Location to be confirmed.

Wednesday, April 13th, Recreation Advisory Board at 6:30pm.

Saturday, April 16th, Egg Hunt at 10:00am

Monday, April 18th, Planning & Zoning at 6:30pm

Wednesday, April 20th, Parks & Parkway at 6:00pm

Thursday, April 21st, Ecology Board at 6:30pm

Thursday, April 21st, Code Enforcement Board at 7:00pm

Tuesday, April 26th, Code Review Board at 7:00pm

Our next regular Commission meeting is Tuesday, May 3rd at 7:00PM.

Please visit our website regularly at [www.biscayneparkfl.gov](http://www.biscayneparkfl.gov) and click on the Calendar of Meetings & Events to view the full schedule.

### 17 Adjournment

In accordance with the provisions of F.S. Section 286.0105, should any person seek to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record of the proceedings is made; which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in the proceedings should call Village Hall at (305) 899 8000 no later than four (4) days prior to the proceeding for assistance.

**DECORUM** - Any person making impertinent or slanderous remarks, or who becomes boisterous while addressing the Commission, shall be barred from further audience before the Commission by the presiding officer, unless permission to continue or again address the commission is granted by the majority vote of the Commission members present. No clapping, applauding, heckling or verbal outbursts in support or in opposition to a speaker or his/her remarks shall be permitted. No signs or placards shall be allowed in the Commission Chambers. Please mute or turn off your cell phone or pager at the start of the meeting. Failure to do so may result in being barred from the meeting. Persons exiting the Chamber shall do so quietly.

# *Proclamation*

## **Childhood Cancer Awareness Week**

**April 17<sup>th</sup> through 23<sup>rd</sup>, 2011**

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among children in the United States. This tragic disease is detected in nearly 15,000 of our nation's young people each and every year; and

WHEREAS, founded nearly twenty years ago by Steven Firestein, a member of the philanthropic Max Factor family, the American Cancer Fund for Children, Inc. and sister organization, Kids Cancer Connection, Inc. are dedicated to helping these children and their families; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at the Miami Children's Hospital: Department of Pediatrics; Division of Hematology/Oncology, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and

WHEREAS, through its uniquely sensitive and comforting Magical Caps for Kids program, the American Cancer Fund for Children and Kids Cancer Connection distributes thousands of beautifully hand made caps and decorated baseball caps to children who want to protect their heads following the trauma of chemotherapy, surgery and/or radiation treatments; and

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor nationwide Courageous Kid recognition award ceremonies and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

Now, Therefore, I, Roxanna "Rox" Ross, Mayor of the Village of Biscayne Park, Florida, do recognize the week of April 17<sup>th</sup> through the 23<sup>rd</sup>, 2011, as Childhood Cancer Awareness Week.

Dated this 5th day of April, 2011.

**VILLAGE OF BISCAYNE PARK, FLORIDA**

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Roxanna Ross





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## Are you interested in public transportation?



Where do you want to go?



How often (days per week) ?



What time(s) of the day?

We invite all residents of the Village of Biscayne Park to participate in a workshop, discussion, idea exchange to create a transportation service with routes in and out of the Village.

Ed Burke Recreation Center - 11400 NE 9th Court  
Biscayne Park, FL 33161

**Saturday, April 9, 2011 - 10:00am - 12:00noon**

*This is a great opportunity to have resident input and to create a service to fit the needs of the community! We encourage and welcome your participation.*



# VILLAGE OF BISCAYNE PARK

## MEMORANDUM OFFICE OF THE VILLAGE MANAGER

Date: 3/22/2011

Employee:  
Position

Group: General

Carryover: Hours carried over at 9/30/10 from prior FY

**ADJ CARRYOVER:** Carryover adjusted based on policy, or Manager approval.

Earned: Hours earned as of 10/1/2010 based on policy.

Used: Hours used through the pay period ending 2/12/11

Bal: Balance as of 2/12/11

### VACATION

Carry-Over	ADJ CARRY- OVER	Earned	Used	Bal	Days
0	0	0	0	0.00	0.0

*Policy: Must use 1 week before end of fiscal year (Sept. 30th), or extend one additional month with Manager approval. Balance must be used by end of calendar year (Dec. 31st) or will be forfeited.*

**Requirement:**

### SICK

Carry-Over	ADJ CARRY- OVER	Earned	Used	Bal
0	0	0	0	0.00

*Policy: Unused sick hours are carried over at end of fiscal year (Sept. 30th), up to a maximum of 240 hours. Any hours over 240 are adjusted to 240 hours maximum.*

**Adjustment:**

### FLOATING HOLIDAY

Earned	Used	Bal
0	0	0.00

### BIRTHDAY

Earned	Used	Bal
0	0	0.00

**The hours shown in each yellow highlighted box are the hours that will be posted to your paycheck as of 3/30/2011 LESS ANY HOURS USED during the payroll periods in February and March 2011.**

Approved By:

Ana M. Garcia, Village Manager

Date:

3/22/2011

# VILLAGE OF BISCAYNE PARK

## MEMORANDUM OFFICE OF THE VILLAGE MANAGER

Date: 2/22/2011

Employee:  
Position Police Officer  
Group: PBA

Carryover: Hours carried over at 9/30/10 from prior FY

**ADJ CARRYOVER:** Carryover adjusted based on policy, or Manager approval.

Earned: Hours earned as of 10/1/2010 based on policy.

Used: Hours used through the pay period ending 2/12/11

Bal: Balance as of 2/12/11

### VACATION

Carry-Over	ADJ CARRY- OVER	Earned	Used	Bal	Days
0	0	0	0	0.00	0.0

Policy:

Any balance left at end of fiscal year, allowed to carry over up to 1/2 of earned annual vacation time. Accrual balance cannot exceed annual rate.

Requirement:

### SICK

Carry-Over	ADJ CARRY- OVER	Earned	Used	Bal
0	0	0	0	0.00

Policy:

Maximum accrual total is 400 hours. 48 unused at end of fiscal year can be converted to vacation.

Adjustment:

### FLOATING HOLIDAY

Earned	Used	Bal
0	0	0.00

*In the future, per policy, all floating holidays must be taken in same year or will be forfeited.*

### BIRTHDAY

Earned	Used	Bal
0	0	0.00

The hours shown in each yellow highlighted box are the hours that will be posted to your paycheck as of 3/2/2011 LESS ANY HOURS USED the payroll period of 2/13 - 2/26/11.

Approved By:

Ana M. Garcia, Village Manager

Date:

2/23/2011

# VILLAGE OF BISCAYNE PARK

## MEMORANDUM OFFICE OF THE VILLAGE MANAGER

Date: 2/22/2011

Employee:  
Position Public Works  
Group: PTA

Carryover: Hours carried over at 9/30/10 from prior FY

**ADJ CARRYOVER:** Carryover adjusted based on policy, or Manager approval.

Earned: Hours earned as of 10/1/2010 based on policy.

Used: Hours used through the pay period ending 2/12/11

Bal: Balance as of 2/12/11

### VACATION

Carry-Over	ADJ CARRY- OVER	Earned	Used	Bal	Days
0	0	0	0	0.00	0.0

Policy: Must take vacation leave in the year it is granted. No carry over allowed.

Requirement:

### SICK

Carry-Over	ADJ CARRY- OVER	Earned	Used	Bal
0	0	0	0	0.00

Policy: Maximum accrual is 480. At 480, half of the amount that exceeds can be converted to vacation for the following year and used in said year.

Adjustment:

### FLOATING HOLIDAY

Earned	Used	Bal
0	0	0.00

### BIRTHDAY

Earned	Used	Bal
0	0	0.00

The hours shown in each yellow highlighted box are the hours that will be posted to your paycheck as of 3/2/2011 LESS ANY HOURS USED the payroll period of 2/13 - 2/26/11.

Approved By: \_\_\_\_\_  
Ana M. Garcia, Village Manager

Date: 2/23/2011



## **VILLAGE OF BISCAYNE PARK**

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**BISCAYNE PARK, FL 33161**

**TEL: 305 899 8000 FAX: 305 891 7241**

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### **POLICY & PROCEDURES PUBLIC RECORD REQUEST POLICY OFFICE OF THE VILLAGE CLERK**

**March, 2011**

- I Scope**
- II Purpose**
- III References**
- IV Definitions**
- V Policy**
- VI Determination of Public Record for Village Employees and Village Public Officials**
- VII Public Record Fee Schedule**

#### **I Scope**

The Village of Biscayne Park Public Record Request policy applies to all records, regardless of physical form, characteristics, or means of transmission, created or received by the Village in connection with the transaction of official business. The Village is charged with ensuring compliance with all State Statutes and Administrative Codes regarding access, the systematic retention, storage and disposition of all Village records.

#### **II Purpose**

Section 257.36(5), Florida Statutes (F.S.) directs each public agency to establish an active and continuing records management program to include inventorying, scheduling and disposition of records. Public Records Law, Chapter 119, F.S., provides, in part, City obligations for the access, control, storage, preservation and disposition of all Public Records. Further, section 119.07, F.S. directs each City to permit the Public Record to be inspected and copied absent an exemption to the contrary, and provides for charging fees. This Policy is calculated to assist Staff in the correct application of these requirements.

#### **III References**

Florida Public Records Law, Chapter 119, F.S.

Records and Information Management, section 257.36(5), F.S.

Florida Attorney General Opinion (AGO) 2005-28

#### **IV Definitions**

Section 119.011(1), F.S. defines Public Records as, "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

Florida Supreme Court of Florida in *Shevin v. Byron, Harless, Shaffer, Reid and Associates, Inc.*, stated that the above definition encompasses all materials made or received by an agency in connection with official business that are used to perpetuate, communicate, or formalize knowledge.



**Village Clerk** is the Village Officer charged with the responsibility of maintaining the office having public records, or his or her Record Coordinator.

**Actual cost of duplication** means the cost of the material and supplies used to duplicate the record, but do not include the cost of labor or overhead costs associated with such duplication.

**Personal and Private** include records that are clearly not official business and are, consequently, not required to be recorded as a public record. Although received by a government system, common sense opposes a mere possession rule. Such transmissions are not made or received pursuant to law or ordinance or in connection with the transaction of official business and are not public records.

**Non Records**, in addition to the description of personal and private emails, this includes unsolicited promotional items, spam, jokes, chain letters, advertisements and generally material otherwise classified as "junk mail".

**Extensive** shall mean fifteen (15) minutes or more.

## **V Policy**

It is the policy of the Village of Biscayne Park to permit the Public Record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the Village Clerk, absent an exemption to the contrary. Any person includes Village employees and Village Public Officials when the record request is not beyond the scope of the duties, responsibilities and official business of the requestor. At all times, inclusive of requests made by Village Employees and/or Village Public Officials that are within their scope of duties and responsibilities, the Village Clerk shall provide safeguards to protect the contents of Public Records from alteration and to prevent disclosure or modification of those portions of Public Records which are exempt or confidential from Section 24, Article 1 of the State Constitution.

The Village Clerk shall furnish a copy or a certified copy of the record upon payment of the fee prescribed by law, or, if a fee is not prescribed by law; for duplicated copies of not more than 14 inches by 8.5 inches, upon payment of 15 cents per one-sided copy; for each two-sided duplicated copy of not more than 14 inches by 8.5 inches, upon payment of 20 cents for each two-sided duplicated copy; and for all other copies, upon payment of the actual cost of duplication of the record. The Village Clerk may charge up to \$1.00 per copy for a certified copy of a public record.

When the nature or volume of public records requested to be inspected, examined, or copies is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the Village involved, or both, the Village may charge, in addition to the cost of duplication, a special service charge, which shall be based on the cost incurred for such extensive effort. To comply with this provision, the Village Clerk shall collect the estimated service charge in advance in addition to the fee for duplication. The service charge shall be calculated using the hourly wage of the employee performing the service.

If the estimated fee for duplication and service charge represent an overpayment upon completion of the effort, a refund shall be made to the requestor. If the estimated fee for duplication and service charge represent an underpayment upon completion of the effort, the Village Clerk shall collect the remaining balance due prior to delivery of the Public Record. When the Village Clerk and requestor fail to agree as to the appropriate charge, the charge shall be determined by the Village Clerk.

**VI Determination of Public Record for Village Employees and Village Public Officials**

The Village Clerk is charged with determining whether a Village employee or Village Public Official request for records is directly related to their duties or is a public records request. In making this determination, the Village Clerk should also consider the staff time involved in responding to the request. If a Village Employee or a Village Public Official disagrees with the initial determination made by the Village Clerk of whether or not the request is directly related to the scope of duties of the individual, the Village Clerk may request a review by the Village Attorney. If the Village employee or Village Public Official disagrees with the Village Attorney's interpretation, a request for final determination may be made to the Village Commission at the next regularly scheduled Commission meeting.

**VII Public Record Fee Schedule**

Hard copies of pages not more than 14 inches by 8.5 inches	\$0.15 per page (one-sided)
Hard copies of pages not more than 14 inches by 8.5 inches	\$0.20 per page (two-sided)
Hard copies of other sized documents	Actual cost of duplication
Certified copy	\$1.00 per certified copy
CD / DVD	\$1.00 per CD or DVD
Review of Original Record Copy at Village Hall	Review of original copies of record requires staff supervision during the time of review and will be charged at the hourly wage of the employee performing the service if more than fifteen (15) minutes of staff time is required
Extensive Records Request	Charged at hourly wage of the employee performing the service for any request requiring more than fifteen (15) minutes of research
Electronic copy sent by e-mail	Free of charge



Village of Biscayne Park  
640 NE 114th Street Biscayne Park, FL 33161

**PUBLIC RECORDS REQUEST**  
(Florida Statute 119.07)

DATE OF REQUEST

☐ REQUEST TO VIEW PUBLIC RECORDS

☐ REQUEST TO OBTAIN COPIES OF PUBLIC RECORDS

PRINT NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: (       ) \_\_\_\_\_

FAX: (       ) \_\_\_\_\_

E-MAIL: \_\_\_\_\_

INFORMATION REQUESTED: (Please refer to schedule of charges below): \_\_\_\_\_

**Florida Statute, 119.07 - Inspection and copying of records; photographing public records; fees; exemptions**

(4)(a)1.(d) "If the nature or volume of public records requested to be inspected, or copied pursuant to this subsection is such as to require extensive use of information technology resources or extensive clerical or supervisory assistance by personnel of the agency involved, or both, the agency may charge, in addition to the actual cost of duplication, a special service charge, which shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service that is actually incurred by the agency or attributable to the agency for the clerical and supervisory assistance required, or both".

NUMBER OF ONE SIDED COPIES:	<input type="text"/>	@ \$0.15 ea.	=	\$ <input type="text"/>
NUMBER OF TWO SIDED COPIES:	<input type="text"/>	@ \$0.20 ea.	=	\$ <input type="text"/>
DVD OR CD:	<input type="text"/>	@ \$1.00 ea.	=	\$ <input type="text"/>
VIDEO TAPE:	<input type="text"/>	@ \$10.00 ea.	=	\$ <input type="text"/>
CERTIFIED COPIES:	<input type="text"/>	@ \$1.00 ea.	=	\$ <input type="text"/>
Electronic Copy Sent by E-Mail:	<input type="text"/>	No Charge	=	\$ <input type="text"/> .00

TOTAL COST: \$

*Review of original copies of records requires staff supervision during the time of review and will be charged at the hourly wage of the employee performing the service if more than fifteen (15) minutes of staff time is required.*

**NOTE: PAYMENT MUST BE MADE IN ADVANCE BEFORE TIME AND MATERIALS ARE EXPENDED**

I have received the above described Public Records Request on:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Signature: \_\_\_\_\_

**village clerk**

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**From:** village clerk [villageclerk@biscayneparkfl.gov]  
**Sent:** Wednesday, March 23, 2011 3:38 PM  
**To:** villageclerk@biscayneparkfl.gov  
**Cc:** agarcia@biscayneparkfl.gov; attyhearn@aol.com  
**Subject:** FW: request

Commissioner Cooper:

bcc: Full Commission:

In the past when you have requested a single audio CD or video DVD, you have received it at no charge. The same goes for Vice Mayor Bernard who has made several requests and Mayor Ross who has made a request a few times.

Your original request for copies of the DVD's for all commission meetings since the election in 2009 is being handled as a public records request. My response to you charging you for this request was based on standard public records law. If this same request would have been made by the Mayor or any other Commissioner, my response would have been the same.

Your e-mail below was responded to by Attorney Hearn who recommended that your request, and my response to your request, be reviewed by the entire commission at the April meeting. The entire commission can either agree with and confirm my response, or provide alternate direction. At the April meeting I will also be providing a policy on Public Record's Requests that I am in the process of completing.

Thank you.

Maria C. Camara, Village Clerk  
 Village of Biscayne Park  
 640 NE 114th Street  
 Biscayne Park, FL 33161  
 Tel: 305 899 8000, Ext. 201  
 email: [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov)

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**From:** Bryan Cooper [mailto:bryancooper7@yahoo.com]  
**Sent:** Friday, March 18, 2011 9:27 PM  
**To:** villageclerk@biscayneparkfl.gov; bcooper@biscayneparkfl.gov; John Hearn  
**Cc:** agarcia@biscayneparkfl.gov; attyhearn@aol.com  
**Subject:** Re: request

Thank you. I will accept the cost and pay as soon as you want, but do you intend to present before the Commission the application of this cumulative rule to all Commissioners equally for all research requests?

And has this been applied in the past to other elected officials? I hope there is no intent to penalize arbitrarily, as I recall concern expressed by another Commissioner at a meeting when it seemed that cost based public record services were to be initiated, and with the appearance to some of political or arbitrary intent.

Also, do you intend to bring this rule, as applied, for approval by the Commission? Is this something you would put on the consent agenda, perhaps because it is non-controversial or routine? And John, can you let us know if the

3/28/2011

Florida 15 minute rule is mandatory or just a possible guideline?

What if the Mayor asks for significant research, but does not label it a public records request? (Perhaps our Mayor has had significant research/work done within our public records, and not had to pay a public records request fee? All I'm saying is what I've been requesting for a long time: That we depoliticize our Village management and serve professionally and without bias.

One more question: If I had asked for the DVDs to be produced after every meeting, so the time spent was divided by the 24 meetings, that would be less than 4 minutes for each DVD? And would it be better to have future work done incrementally? If the public does it incrementally in less than 15 minute chunks, is it free of charge? (Advising our residents in a newsletter of this might be good and help foster Sunshine in Government).

I'll playing catchup to emails, and will try to read the rest of Village mails this weekend.

Bryan Cooper

p.s., let me know if you want me to call Jeannie so I can pay with my credit card.

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**From:** village clerk <villageclerk@biscayneparkfl.gov>  
**To:** bcooper@biscayneparkfl.gov  
**Cc:** agarcia@biscayneparkfl.gov; attyhearn@aol.com  
**Sent:** Fri, March 11, 2011 4:29:50 PM  
**Subject:** FW: request

Commissioner Cooper, your request has been received and reviewed.

To create a duplicate DVD of the 24 meetings you are requesting, it will take Cesar Hernandez approximately 1.5 hours to complete. As this is in excess of 15 minutes, it is deemed as extensive based on public records law. Therefore I will need to charge you the following:

1.25 hours x \$14.48 (Cesar's hourly rate) = \$18.10 + 24 DVD's x \$0.29 ea. = \$6.96. Total = \$25.06

If your request also includes the duplication of audio CD's for those meetings that were not video taped, then I will need to calculate the time to duplicate those meetings as well.

Please confirm before we proceed.

Thank you.

Maria C. Camara, Village Clerk  
Village of Biscayne Park  
640 NE 114th Street  
Biscayne Park, FL 33161  
Tel: 305 899 8000, Ext. 201  
email: [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov)

---

**From:** bryan cooper [mailto:bcooper839@yahoo.com]  
**Sent:** Wednesday, March 02, 2011 1:22 AM  
**To:** VillageClerk@BiscayneParkFl.gov; vobparchives@biscayneparkfl.gov  
**Cc:** Ana Garcia  
**Subject:** request

Ms. Camara:

3/28/2011

Can you provide me DVD copy of all Commission meetings since the election over a year ago? I do not have cable, and would like to have my own copies up through the meeting tonight.

Thanks.

Bryan

3/28/2011

## **LOCAL OPTION FUEL TAX**

There has been a lot of time spent on debating the allowable uses of Local Option Fuel Tax proceeds collected and distributed under Florida Statute Section 336.025. The following is a summary of the two Local Option Fuel Taxes and their uses:

1. The first tax we will look at will be the 1 to 6 cents tax. There is no doubt that this tax can be used for operations and maintenance because it is stated as such in s. 336.025(7), F.S.
2. The second tax, 1 to 5 cent tax, is the tax that is generating a lot of discussion. The authorized use of this tax is stated as follows:

“The tax proceeds shall be used for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan or for expenditures needed to meet immediate local transportation problems and for other transportation-related expenditures that are critical for building comprehensive roadway networks by local governments. Expenditures for the construction of new roads, the reconstruction or resurfacing of existing paved roads, or the paving of existing graded roads shall be deemed to increase capacity and such projects shall be included in the capital improvements element of an adopted comprehensive plan. Routine maintenance of roads is not considered an authorized expenditure.”

On May 5, 1997 the Attorney General issued opinion AGO 97-25 in response to the question “May the 5-cent local option fuel tax levied under section 336.025(1)(b), Florida Statutes (1996 Supplement), be used for public transportation operations and maintenance expenditures or must such tax revenues be used only for capital improvements?”

This AG opinion goes on to further state “As noted above, section 336.025(10)(b)3., Florida Statutes (1966 Supplement), requires that the revenues received from the tax imposed under section 336.025(1)(b) be used for transportation expenditures needed to meet the requirements of the capital elements of the county’s comprehensive plan. In defining “transportation expenditures“, the Legislature has expressly included public transportation operations and maintenance. While section 336.025(1)(b)3 requires that the tax revenues be used for those capital improvements, the definition of “transportation expenditures” would appear to permit such revenues to be used for the operations and maintenance of such improvements.”

In conclusion, it would appear that the 1 to 5 cent fuel tax is to be used for transportation improvements. Once those improvements are in place, the 1 to 5 cent tax revenues can be used for operation and maintenance of those improvements.

Michael Arciola, Finance Director  
March 22, 2011



VILLAGE OF BISCAYNE PARK  
640 NE 114TH STREET  
BISCAYNE PARK, FL 33161  
TEL: 305 899 8000 FAX: 305 891 7241  
www.biscayneparkfl.gov

Mayor and Commission

Roxanna Ross  
Mayor

Steve Bernard  
Vice Mayor

Robert "Bob" Anderson  
Commissioner

Albert Childress  
Commissioner

Bryan Cooper  
Commissioner

Ana Garcia  
Village Manager

John J. Hearn  
Village Attorney

Maria Camara

**MINUTES**  
**WORKSHOP - FENCING ALLOWANCES**  
**Ed Burke Recreation Center - 11400 NE 9th Court**  
**Biscayne Park, FL 33161**  
**Thursday, February 24, 2011 at 7:00PM**

**1 Call to Order**

**2 Roll Call**

Mayor Roxanna Ross called the workshop to order at 7:11PM. In addition to Mayor Ross, present were:

Vice Mayor Steve Bernard  
Commissioner Bob Anderson  
Commissioner Al Childress  
Commissioner Bryan Cooper

Present from staff were:  
Village Manager Ana Garcia  
Village Clerk Maria Camara  
Police Chief Mitchell Glansberg

**3 Pledge of Allegiance and Moment of Silence**

**4 Public Comment**

Prior to the start of public comment, the Chair of the Code Review Board provided a recap of the proposals submitted by the Board to date. Clerk Camara stated the motions that were made at the February 1st, 2011, regular commission meeting regarding front yard and corner yard fencing.

Carl Bickell

Art Pyle

Steve Secary

Gaspar Gonzalez

---

Chief Glansberg provided information that



A majority of recent burglaries occurred from the rear of the house as the primary point of entry (door or window defeated).

The second most common point of entry area would be the side of the home (door or window defeated).

Front door or window was the least likely to be entered.

---

Harvey Bilt

Mike Kopsick

Chester Morris

Junior Fuenmayor

Ricardo Bloom

Barbara Kuhl

Mariana Peno

Barbara Watts

Dan Keys

Chuck Ross

Jose San Pedro

Stephanie Lomnickey

Gary Kuhl

## **5 New Business**

### **5.a Fencing allowances**

Commissioner Cooper, Vice Mayor Bernard, Commissioner Anderson and Code Review Chair Gage Hartung provided slides which were shown.

## **6 Adjournment**

After further discussion, the meeting was adjourned at 9:55PM

Commission approved on \_\_\_\_\_.

Attest:

---

Roxanna Ross, Mayor

---

Maria Camara, Village Clerk



VILLAGE OF BISCAYNE PARK  
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Mayor and Commission

Roxanna Ross  
Mayor

Steve Bernard  
Vice Mayor

Robert "Bob" Anderson  
Commissioner

Albert Childress  
Commissioner

Bryan Cooper  
Commissioner

Ana Garcia  
Village Manager

John J. Hearn  
Village Attorney

Maria Camara  
Village Clerk

**MINUTES**  
**REGULAR COMMISSION MEETING**  
**Church of the Resurrection - 11173 Griffing Blvd.**  
**Biscayne Park, FL 33161**  
**Tuesday, March 1, 2011 at 7:00PM**

**1 Call to Order**

**2 Roll Call**

Mayor Roxanna Ross called the meeting to order at 7:07PM. In addition to Mayor Ross, present were:

Vice Mayor Steve Bernard  
Commissioner Bob Anderson  
Commissioner Al Childress  
Commissioner Bryan Cooper

Present from staff were:

Village Manager Ana Garcia  
Village Clerk Maria Camara  
Attorney Chris Ambrosio  
Finance Director Michael Arciola  
Police Chief Mitchell Glansberg  
Police Captain Antonio Sanchez  
Public Works Director Bernard Pratt  
Public Works Administrative Assistant Cesar Hernandez  
Building Official Sal Annese

**3 Pledge of Allegiance and Moment of Silence**

**4 Presentations**

Police Chief Mitchell Glansberg and Police Captain Antonio Sanchez provided a presentation of the Biscayne Park Police Department - 2010 A year in review.

Chief Glansberg presented newly hired reserve police officer Jesenia Cotilla.

**5 Additions, Deletions or Withdrawals to the Agenda**

< None >

## **6 Public Comments Related to Agenda Items / Good Welfare**

Barbara Kuhl - Agenda item 13.d Ad Hoc Art Review Committee

Junior Fuenmayor - Agenda item 13.g Kimley-Horn traffic study - closing of the median at 121st street

Gage Hartung - Item 10.a Ordinance 2011-01 Fencing Allowances and Fencing Workshop

Tracy Truppman - Item 10.a Ordinance 2011-01 Fencing Allowances

Carl Bickell - Item 10.a Ordinance 2011-01 Fencing Allowances

Elizabeth Martinez - Item 13.g Kimley-Horn traffic study - closing of the median at 121st street

Mario Rumiano - Item 13.g Kimley-Horn traffic study - closing of the median at 121st street

## **7 Village Manager Report**

Manager Garcia provided a status/report on:

- > Village of Biscayne Park recognition as Tree City USA 2010. Earth Day / Arbor Day / Tree City USA celebration scheduled for Saturday, May 14, 2011.

- > Drainage improvement project update.

- > Finance report provided by Finance Director Michael Arciola.

- > Movie Night scheduled for Friday, March 4, 2011 starting at 6:30PM.

- > Aventura Hospital invitation to visit the hospital and provide information on their services.

- > Clerk Camara advised that board appointments are needed for Code Enforcement, Code Review and Recreation Advisory Board.

---

- > Sal Annese, Building Official, provided an update on the FPL Hardening project. Vice Mayor Bernard's agenda item 13.f, discussion of the FPL Hardening project was moved up.

Vice Mayor Bernard's concerns:

- > Is permitting required?

- > What does the FPL Franchise Agreement ordinance and other ordinances state in relation to permitting?

- > Removal of double poles.

- > States most cities require bonds when work is done within easements.

- > How is the tax roll affected once the project is completed?

- > Completed plans to be provided by FP&L.

- > What conditions can the Village set?

Mayor Ross provided information on her discussion with Ronald Brise, our former state representative who was recently appointed to the Public Service Commission (PSC) which has the oversight over all utilities. Mr. Brise's office is available to provide information and guidance on this project, and the Manager is encouraged to work with them.

Commissioner Childress provided information on state statute 489 that states utility companies are exempt from permitting requirements. This state statute is above local ordinances.

Attorney Ambrosio advised that section 3.12 of the FPL Franchise Agreement ordinance has no express waiver or limit of a permit. Attorney Ambrosio was directed to do further reconciliation of the ordinance and state statutes.

Vice Mayor Bernard makes a motion to direct the attorney to do a review and reconciliation of our ordinances and any applicable statutes for the purpose of protecting the Village, with a caveat that once that is done and results provided, that the building official is allowed to do his work without interference from the Commission. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Anderson, Commissioner Childress and Commissioner Cooper.

None opposed.

Motion carries: 5/0

Attorney Ambrosio asked for a timeframe to provide a reply. Mayor Ross requested to receive the information within 10 days. Manager Garcia would wait for the attorney's response to determine if a special commission meeting would be needed to discuss further.

---

Village Manager Garcia resumed her report:

> Provided a report on the situation with the restrooms at the Recreation Center and that repairs had been completed.

## **8 Consent Agenda**

Vice Mayor Bernard pulls items:

> 8a, the minutes for January 11, 2011, January 20, 2011, and February 1, 2011 for discussion.

> 8.b Resolution 2011-11 Awarding the Bid for Median Maintenance Services, which is moved to agenda item 11.a.

> 8.c Resolution 2011-12 Authorizing the Village manager to obtain appraisals on real property, which is moved to agenda item 11.b.

Left on consent is Item 8.d, approval authorizing Chief Glansberg to sign the Mutual Aid Agreement between the Village and FDLE.

Commissioner Childress makes a motion to accept the item left on the consent agenda. It was seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Anderson, Commissioner Childress and Commissioner Cooper.

None opposed.

Motion carries: 5/0

Item 8a: On the minutes of January 11, 2011, Vice Mayor Bernard makes a motion to approve the minutes with the corrections and additions he articulated. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Vice Mayor Bernard and Commissioner Cooper.

All opposed: Mayor Ross, Commissioner Anderson and Commissioner Childress

Motion fails: 2/3

Commissioner Childress makes a motion to approve the minutes of January 11, 2011 as submitted by the Clerk. It was seconded by Commissioner Anderson.

The motion was called to a vote:

All in favor: Mayor Ross, Commissioner Anderson and Commissioner Childress

All opposed: Vice Mayor Bernard and Commissioner Cooper.

Motion carries: 3/2

On the minutes of January 20, 2011, Vice Mayor Bernard makes a motion to approve the minutes with the corrections and additions he articulated. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Vice Mayor Bernard and Commissioner Cooper.

All opposed: Mayor Ross, Commissioner Anderson and Commissioner Childress

Motion fails: 2/3

Commissioner Anderson makes a motion to approve the minutes of January 20, 2011 as submitted by the Clerk. It was seconded by Commissioner Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Commissioner Anderson and Commissioner Childress

All opposed: Vice Mayor Bernard and Commissioner Cooper.

Motion carries: 3/2

On the minutes of February 1, 2011, Vice Mayor Bernard makes a motion to approve the minutes with the corrections and additions he articulated. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Vice Mayor Bernard and Commissioner Cooper.

All opposed: Mayor Ross, Commissioner Anderson and Commissioner Childress

Motion fails: 2/3

Commissioner Anderson makes a motion to approve the minutes of February 1, 2011 as submitted by the Clerk. It was seconded by Commissioner Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Commissioner Anderson and Commissioner Childress

All opposed: Vice Mayor Bernard and Commissioner Cooper.

Motion carries: 3/2

Vice Mayor Bernard makes a motion to amend the resolution on summary minutes to indicate that both the topic that a resident speaks on and the position of the speaker, pro or con, is included in the summary minutes. It was seconded by Commissioner Cooper.

The motion was called to a vote:

All in favor: Vice Mayor Bernard and Commissioner Cooper.

All opposed: Mayor Ross, Commissioner Anderson and Commissioner Childress

Motion fails: 2/3

Commissioner Cooper asks Attorney Ambrosio whether he considers this a violation or a falsification of public records. Attorney Ambrosio will look at state statutes that speak to maintaining commission records, summary minutes and verbatim minutes.

9      **Public Hearings**  
      **< None >**

10     **Ordinances - First Reading**

**Ordinance 2011-01**

AN ORDINANCE OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AMENDING CHAPTER 2 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "DEFINITIONS" **BY ADDING DEFINITIONS FOR FENCES AND CORNER SIDE YARDS** AND AMENDING THE DEFINITION FOR HEDGE; AMENDING CHAPTER 11 OF THE VILLAGE OF BISCAYNE PARK LAND DEVELOPMENT CODE ENTITLED "ACCESSORY STRUCTURES ", BY AMENDING SECTION 11.6; **ADDRESSING CORNER SIDE FENCES AND WALLS, HEIGHT, AND RELATED CHANGES**; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR CONFLICT; PROVIDING FOR AN EFFECTIVE DATE

Attorney Ambrosia read the title of the ordinance.

Prior to opening the meeting for public comment on this ordinance, a motion made to capture both the topic of the speaker and their position, whether pro or con.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Anderson, and Commissioner Cooper.

All opposed: Commissioner Childress

Motion carries: 4/1

Mayor Ross opened the meeting for public comment on the ordinance:

Gary Kuhl - Pull the ordinance from the agenda and have the Code Review Board address the issues brought up at the February 24th Fencing Workshop.

Tracy Truppmann - Agrees to delay the ordinance; for a corner lot allow a 6' fence with required planting in the front at least 1/2 or 1/3 of the height of the fence.

Barbara Kuhl - Have the ordinance go back to the board; phase out chain link fence in front and side yards; strengthen maintenance; agrees to allow a low wall in the front and to allow a gate as part of a hedge.

Dale Blanton - Have the ordinance go back to the board; in regards to including a speaker's position on a topic, to also allow a speaker be given the opportunity to speak again after hearing all other comments in their opinion has changed.

Vice Mayor Bernard makes a motion to postpone the first reading of the ordinance and to have Code Review use the Workshop and commission comments to make the ordinance tighter, and to make it an all inclusive ordinance and address all issues relating to fences, hedges, walls and gates anywhere on the property.

After discussion, the motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, and Commissioner Cooper.

Opposed: Commissioner Childress and Commissioner Anderson

Motion carries: 3/2

Code Review Chair Gage Hartung asked for clarification on the direction given to the board at the February 1st meeting.

After further discussion a motion made by Commissioner Anderson to reconsider the motion made at the February 1st meeting giving the Code Review board direction to craft language on front yard fencing. It was seconded by Commissioner Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Commissioner Anderson and Commissioner Childress.

All opposed: Vice Mayor Bernard and Commissioner Cooper

Motion carries: 3/2

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Mayor Ross asks for a five minute recess.

---

The meeting resumes and Mayor Ross clarifies that after the Code Review Board completes their re-review of the entire ordinance as directed by the motion, that it comes back to the Commission as draft legislation.

---

**11 Resolutions**

**11.a Resolution 2011-11**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, **AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO AWARD THE BID FOR MEDIAN MAINTENANCE SERVICES BETWEEN THE VILLAGE AND GROUNDKEEPERS, INC.;** PROVIDING FOR AN EFFECTIVE DATE

Attorney Ambrosio read the title of the resolution.

Manager Garcia provided background on the resolution.

After discussion Commissioner Anderson makes a motion to accept the Manager's recommendation to approve the resolution. It was seconded by Commissioner Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Commissioner Childress, and Commissioner Anderson.

All opposed: Vice Mayor Bernard and Commissioner Cooper.

Motion carries: 3/2

Commissioner Anderson makes a motion to extend the meeting for an additional five minutes to complete the Resolutions section of the agenda. It was seconded by Commissioner Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Vice Mayor Bernard, Commissioner Childress, and Commissioner Anderson, and Commissioner Cooper.

None opposed.

Motion carries: 5/0

**11.b Resolution 2011-12**

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA **AUTHORIZING THE VILLAGE MANAGER TO OBTAIN APPRAISALS ON REAL PROPERTY** LOCATED WITHIN THE VILLAGE WHEN NEEDED TO PURSUE MUNICIPAL OPPORTUNITIES INVOLVING PURCHASING OF REAL PROPERTY FOR USE BY THE VILLAGE; PROVIDING FOR AN EFFECTIVE DATE

Attorney Ambrosio read the title of the resolution.



After discussion Commissioner Anderson makes a motion to accept the Manager's recommendation to approve the resolution. It was seconded by Commissioner Childress.

The motion was called to a vote:

All in favor: Mayor Ross, Commissioner Childress, and Commissioner Anderson.

All opposed: Vice Mayor Bernard and Commissioner Cooper.

Motion carries: 3/2

---

The Clerk read the announcements:

**Announcements**

All public meetings are held at the Ed Burke Recreation Center, 11400 NE 9th Court, Biscayne Park.

Friday, March 4th - MOVIE NIGHT in the Park starting at 6:00PM.

Monday, March 7th, Planning & Zoning at 6:30PM

Tuesday, March 8th, Code Review at 7:00PM

Wednesday, March 9th, Recreation Advisory Board at 6:30PM

Tuesday, March 15th, Miami Dade County Special Election - 7AM to 7PM

Tuesday, March 15th, Code Enforcement at 7:00PM

Wednesday, March 16th, Parks & Parkway at 6:00PM

Thursday, March 17th, Ecology Board at 6:30PM

Monday, March 21st, Planning & Zoning at 6:30PM

Tuesday, March 22nd, Code Review at 7:00PM

The next regular Commission meeting is Tuesday, April 5th, at 7:00PM.

Motion made by Commissioner Anderson to adjourn and seconded by Commissioner Childress.

The meeting was adjourned at 11:18PM

Commission approved on \_\_\_\_\_.

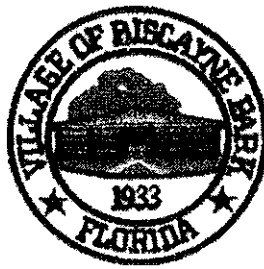
Attest:

---

Roxanna Ross, Mayor

---

Maria Camara, Village Clerk



Date: 03/18/2011

To: Vice Mayor Steve Bernard  
Commissioner Bob Anderson  
Commissioner Al Childress  
Commissioner Bryan Cooper

cc: Manager Ana Garcia  
Attorney John Hearn  
Clerk Maria Camara

From: Mayor Roxanna Ross

Re: Right-of-Way Utility Poles

---

**REQUEST: CONSENSUS IN SUPPORT OF RESOLUTION 2011-14**

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA RELATING TO RIGHT-OF-WAY UTILITY POLES; URGING AT&T, COMCAST, FLORIDA POWER & LIGHT ("FPL") AND ALL OTHER SERVICE PROVIDERS ("SERVICE PROVIDERS") TO EXPEDITE TRANSFER OF UTILITY SERVICES FROM "DECOMMISSIONED" UTILITY POLES TO THE NEW "HARDENED" FPL UTILITY POLES BEING INSTALLED ALONG THE VILLAGE'S RIGHTS-OF-WAY; AND REQUESTING EACH SERVICE PROVIDER TO PROVIDE A SCHEDULE FOR COMPLIANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BACKGROUND AND ANALYSIS:**

The Village Public Works Department has inventoried a number of double-poles along the rights-of-way, where FPL has "decommissioned" a pole and placed a new pole in service, but other service providers remain attached to the old pole, which cannot be removed until those services are transferred. These double-pole sites are unsightly and require the attention of all service providers to coordinate the removal of the decommissioned poles.

FPL has announced and filed plans to continue its hardening project, including within Village limits, which will result in additional double-pole sites along the designated routes of the hardening project.

The protection of our green spaces is one of the primary functions of our Village government. The removal of the decommissioned poles along Village right-of-ways is in the best interest of our Village and our residents.

**FISCAL/BUDGETARY IMPACT:**

Minimal fiscal impact associated with the distribution of this Resolution to the utility service providers and regulatory agencies, as well as to neighboring municipalities. There will be a cost associated with monitoring the progress of the removal of decommissioned poles and continued communications with the utility service providers involved.

**RECOMMENDATION:**

Approval of Resolution 2011-14.

**RESOLUTION NO. 2011-14**

**A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAIYNE PARK, FLORIDA RELATING TO RIGHT-OF-WAY UTILITY POLES; URGING AT&T, COMCAST, FLORIDA POWER & LIGHT ("FPL") AND ALL OTHER SERVICE PROVIDERS ("SERVICE PROVIDERS") TO EXPEDITE TRANSFER OF UTILITY SERVICES FROM "DECOMMISSIONED" UTILITY POLES TO THE NEW "HARDENED" FPL UTILITY POLES BEING INSTALLED ALONG THE VILLAGE'S RIGHTS-OF-WAY; AND REQUESTING EACH SERVICE PROVIDER TO PROVIDE A SCHEDULE FOR COMPLIANCE; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, following the 2004 and 2005 hurricane seasons, the Florida Public Service Commission ("PSC") required Investor-Owned Utilities, including FPL to develop storm hardening plans to be filed periodically and approved by the PSC, to comply with the National Electric Standards Code Class B construction.

WHEREAS, the existing poles and facilities that service the Village of Biscayne Park (Village) have degraded and require updating to meet the State and Federal standards; and

WHEREAS, FPL has advised the Village of Biscayne Park that in compliance with the requirements imposed upon its industry, it is undergoing efforts to "harden" its electrical services to the Village, Miami-Dade County and FPL's service area throughout the state by updating the utility poles installed throughout the rights-of-way in the Village and FPL'S service areas throughout the State of Florida; and,

WHEREAS, the FPL utility poles throughout the Village are also used by Comcast, AT&T and other service providers ("Other Service Providers") in distributing and providing services throughout the community; and,

WHEREAS, there presently exist areas of the Village that have two adjacent poles ("Double Poles"): one a new wood or concrete pole, sitting beside an older pole which FPL is retiring from service ("Decommissioned Pole"), but which still houses facilities for Other Service Providers, most often AT&T and Comcast, creating an unsightly over-proliferation of poles in the Village rights-of-way; and,

WHEREAS, the Village Public Works has compiled a list of existing occurrences of Double Poles, as periodically amended, a copy of which is attached hereto, and like Double-Pole situation will increase due to the above-described hardening project; and,

WHEREAS, the Village urges AT&T, Comcast and FPL to coordinate and adhere to an expeditious plan of action and to provide the Village and FPL a timeline, a schedule, of when all Service Provider facilities will be moved to the newer poles, the Decommissioned Poles will be removed and "Double Poles" throughout the Village can be eliminated.

WHEREAS, the Village urges AT&T and Comcast to work with FP&L in connection with the above-referenced hardening project that is scheduled to begin in May 2011, so that as FPL replaces numerous older poles with newer poles throughout the Village, these other Service Providers promptly relocate their equipment over to the newer poles, and the Decommissioned Poles are removed expeditiously.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAIYNE PARK, FLORIDA:

**Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution upon adoption hereof.

**Section 2.** The Village Commission directs the Village Manager and Village Clerk to circulate this resolution to Comcast, AT&T and FPL, with direction to these service providers to ensure the transfer of services from the Decommissioned Poles to the new poles, to ensure the safety of the community, ensure the aesthetics of the community by eliminating unnecessary Double Poles and Decommissioned Poles from Village limits, and to ensure that such transfer of services takes place prior to the heart of hurricane season.

**Section 3.** The Village Commission directs the Village Manager and Village Clerk to provide this resolution to the Florid Public Service Commission, with request that the PSC assist as an intermediary between the utility service providers and the Village to ensure clear communications and resolution of the conflicting double-poles.

**Section 4.** The Village Commission directs the Village Manager and Village Clerk to provide a copy of this resolution to the cities of North Miami, Miami Shores, El Portal, and other affected municipalities in Miami-Dade County.

**Section 5.** This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of April, 2011.

**The foregoing resolution upon being  
Put to a vote, the vote was as follows:**

\_\_\_\_\_  
Roxanna Ross, Mayor

Attest:

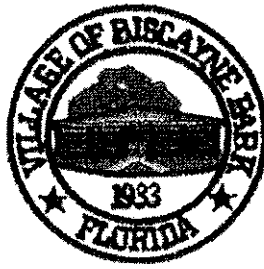
Mayor Ross : \_\_\_\_\_  
Vice Mayor Bernard: \_\_\_\_\_  
Commissioner Anderson : \_\_\_\_\_  
Commission Childress : \_\_\_\_\_  
Commissioner Cooper: \_\_\_\_\_

\_\_\_\_\_  
Maria C. Camara, Village Clerk

Approved as to form:

---

John J. Hearn, Village Attorney



Date: 03/18/2011

To: Vice Mayor Steve Bernard  
Commissioner Bob Anderson  
Commissioner Al Childress  
Commissioner Bryan Cooper

cc: Manager Ana Garcia  
Attorney John Hearn  
Clerk Maria Camara

From: Mayor Roxanna Ross

Re: NE 121 Street Median Extension

---

*THE ATTACHED RESOLUTION ADDRESSES ONE OF THE ELEMENT OF THE MORE GLOBAL REQUEST PREVIOUSLY PRESENTED IN AGENDA OF THE MARCH 2011 REGULAR COMMISSION MEETING. IT IS BROUGHT HERE IN AN EFFORT TO PROVIDE LONG AWAITED RELIEF TO THE RESIDENTS IN THE VICINITY OF NE 5 AVE AND 121 ST. ATTACHED TO THIS MEMO IS A COPY OF A PETITION IN SUPPORT OF EXTENDING THE PORTION OF THE 121 STREET MEDIAN AT ITS INTERSECTION WITH NE 5 AVENUE.*

**REQUEST:**

**RESOLUTION 2011-15**

**RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, RELATING TO EXTENSION OF THE MEDIAN ALONG 121 STREET AT ITS INTERSECTION WITH NE 5 AVENUE; PROVIDING FOR DIRECTION TO THE VILLAGE MANAGER; AND PROVIDING FOR AN EFFECTIVE DATE.**

**BACKGROUND AND ANALYSIS:**

The KH Traffic Studies provided supporting data and proposed traffic plan for the Village of Biscayne Park, which included:

1. Converting NE 9 Court to one-way southbound (implemented);
2. Median extension on NE 121 Street at 5 Avenue to restrict turning movement;
3. Channelizing eastbound right-turn only movement at NE 121 Street and 6 Avenue (implemented and reinforced with the planting of trees to avoid median cross-over traffic);
4. Re-routing southbound Griffing Blvd. to NE 115 Street (implemented with unfavorable results and reversed);
5. Installing traffic circles along NE 7 Ave and 9 Avenue;
6. Installing landscaped entry features on local streets throughout the Village;
7. Where feasible, install lane width reduction striping that designates space for pedestrians and bicyclists (discussed by community at large, committee and commission);
8. Implementing 25 MPH speed limit on local streets within the Village (implemented); and
9. Generally recommending CPTED guidelines, including landscaping and lighting considerations.

Two of the above-described nine measures were implemented with immediate favorable results: #1 and 8. Item #3 was implemented and further enhanced last fall by planting trees along the median to discourage uturns by vehicles seeking to avoid the right-turn channelization. Item #4 was implemented, determined unfavorable and the measure was reversed. Plans to implement Item #7 were discussed at length without reaching consensus.

**FISCAL/BUDGETARY IMPACT:**

The current budget allows for minimal spending on any improvements. However, the residents in the vicinity of NE 5 Ave and 121 Street are supportive of recommendation #2, even offering to subsidize the cost; one resident, owner of a bonded construction company, has offered to cut and remove the asphalt, another resident has offered to purchase and install plantings along the median extension, and a third resident has offered assistance with permitting and approvals which may be required by the County and neighboring municipality.

**RECOMMENDATION:**

I urge the Commission to approve the attached resolution relating to the extension of the median along 121 Street at its intersection with NE 5 Avenue.



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000

Fax: 305 891 7241

March 18, 2011

To: Manager Ana Garcia

From: Commissioner Bob Anderson

**Re: April Consent Agenda Item Request – Median Closure on 121St at 5<sup>th</sup> Ave.**

**Background Analysis:** For several years the residents in the area of 5<sup>th</sup> Ave. between 119 and 121 Sts have requested the closure of the 121 St. median at 5<sup>th</sup> Ave. There are numerous safety (traffic and crime) concerns. Kimley Horn concurred with this closure in their traffic studies going back to 2007. I would request the commission task the manager and staff to take all necessary steps with the county, North Miami, the affected residents, and any other appropriate parties to make this closure happen as soon as possible. The connecting of both sides of this median will have the added plus of enhancing the look of this area.

**Fiscal/Budgetary Impact:** Since three families on that street have agreed to cover all costs of this closure there should be no impact to the Village budget.

**Recommendation:** Approval



**RESOLUTION NO. 2011-15**

**RESOLUTION OF THE VILLAGE  
COMMISSION OF THE VILLAGE OF  
BISCAYNE PARK, FLORIDA, RELATING TO  
EXTENSION OF THE MEDIAN ALONG  
NORTHEAST 121ST STREET AT ITS  
INTERSECTION WITH NORTHEAST 5TH  
AVENUE; PROVIDING FOR DIRECTION TO  
THE VILLAGE MANAGER; AND PROVIDING  
FOR AN EFFECTIVE DATE.**

WHEREAS, the Village of Biscayne Park had previously commissioned and received the benefit of two traffic studies conducted by Kimley-Horn and Associates, Inc. (KH), dated January 2007 and July 2008 (the "KH Traffic Studies"); and,

WHEREAS, the KH Traffic Studies have formed the basis for several safety improvements in the Village, including, converting NE 9th Court into a one-way southbound street and implementing a 25MPH speed limit on local streets throughout the Village; and ,

WHEREAS, the KH Traffic Studies provided support and proposed traffic plans for an extension of the median along NE 121st Street at its intersection with NE 5th Avenue (" NE 121 Street Median Extension") to restrict turning movement, designed to eliminate a sight-distance issues, reduce cut-through traffic on NE 5th Avenue, eliminate illegal u-turns on NE 121st Street and reduce median damage from tight-radius turns at the site; and,

WHEREAS, the Village residents in the area have expressed overwhelming support for the NE 121st Street Median Extension, even offering to subsidize the project if other funding is not available, in order to accomplish this safety feature for the Village; and,

WHEREAS, the Village medians and green spaces are a defining aspect of our community, and every opportunity to expand on these treasures add benefit to the Village and all of its residents; and,

WHEREAS, the Mayor and Village Commission desire to support the NE 121 Street Median Extension proposal issued by Kimley-Horn.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSIONERS OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, that this Commission supports the implementation of the NE 121 Street Median Extension, and to that end, the Manager is directed to:

- a) Engage our neighboring municipality, the City of North Miami, in discussion concerning the proposed NE 121 Street Median Extension, including but not limited to recommendations to enhance and maintain the median that runs along the length of our common border;
- b) Engage Village resources, the residents, Police Department, Public Works, Park & Parkways Board, and Kimley-Horn and Associates, Inc., to develop a plan of action and budget, including funding sources, to implement

Kimley Horn and Associates' recommendation concerning the NE 121 Street Median Extension; and,

- c) Report on developments at the earliest opportunity, but no later than the regular Commission Meeting to be held in June, 2011.

PASSED AND ADOPTED this \_\_\_\_\_ day of April, 2011.

**being**

**follows:**

\_\_\_\_\_  
Roxanna Ross, Mayor

Attest:

\_\_\_\_\_  
Maria C. Camara, Village Clerk

Approved as to form:

\_\_\_\_\_  
John J. Hearn, Village Attorney

**The foregoing resolution upon**

**Put to a vote, the vote was as**

Mayor Ross : \_\_\_\_\_

Vice Mayor Bernard: \_\_\_\_\_

Commissioner Anderson : \_\_\_\_\_

Commission Childress : \_\_\_\_\_

Commissioner Cooper: \_\_\_\_\_

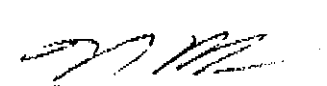

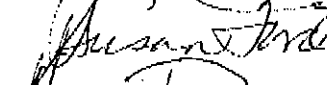
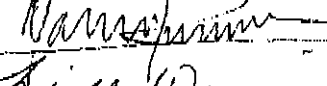
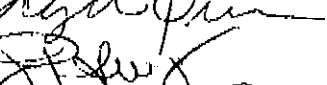

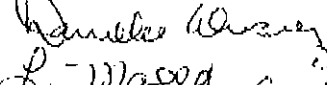
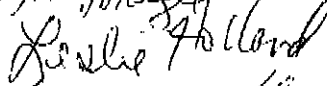
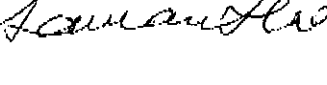



**PETITION TO EXTEND THE PORTION OF THE MEDIAN IN  
THE INTERSECTION OF N.E 121 STREET AND N.E 5 AVENUE  
ADJOINING NORTH MIAMI.**

**PETITION TO EXTEND THE PORTION OF THE MEDIAN IN THE INTERSECTION OF N.E 121 STREET AND N.E 5 AVENUE ADJOINING NORTH MIAMI.**

**TO THE CITY COMMISSIONERS OF BISCAYNE PARK.**

The undersigned, Casto Fuenmayor, hereby petition(S) the city commissioners of Biscayne park to EXTEND THE PORTION OF THE MEDIAN IN THE INTERSECTION OF N.E 121 STREET AND N.E 5 AVENUE ADJOINING NORTH MIAMI and respectfully show(s) unto the city commissioners :

1. THE PORTION OF THE MEDIAN IN THE INTERSECTION OF N.E 121 STREET AND N.E 5 AVENUE ADJOINING NORTH MIAMI is more particularly described on attachment A attached hereto;
2. Due to recent documented burglaries and other violent threats, the repetitive car accidents, and a recommendation of the kimley Horn traffic study, we believe the benefit of extending the intersection the afore designated street will strongly outweigh the burden of such an endeavor. Public safety is a priority for our village, and as such this project will not only promote this goal but will solidify this commission's commitment to its citizens.
3. The following neighbors are owners near NE 5 avenue and NE 121 street agree with extending the portion of the median at the afore designated street.

OWNER	ADDRESS	SIGNATURE
Herman Bushman	11930 NE 5 <sup>th</sup> Ave.	
Orlee Bushman	BISCAYNE PARK, FL 33161	
LIONEL CHIN	12030 NE 5 <sup>th</sup> AVE	
SUSAN FORD COLLINS	12040 NE 5 <sup>th</sup> AV	
MARIO RUMIANO	12020 NE 5 <sup>th</sup> AVE	
Lizette Quimper	12020 NE 5 <sup>th</sup> AVE.	
Judi Pflug	520 NE 119 ST	
ALDONA OLIS	530 NE 119 ST	
DANIELLE ALVAREZ	510 NE 119th St.	
Lisa Magee	525 N.E. 119 St.	
Leslie Holland	518 NE 119th St	
Samuel Hernandez	11900 Grilling Plod	

**PETITION TO EXTEND THE PORTION OF THE MEDIAN IN THE INTERSECTION OF N.E 121 STREET AND N.E 5 AVENUE ADJOINING NORTH MIAMI.**

OWNER	ADDRESS	SIGNATURE
Peterson	11926 Griffin Blvd.	[Signature]
HARVEY BILT	470 "	[Signature]
FRED DICKLZ	470 NE 121 ST	[Signature]
VICKI SMITH-BILT	450 NE 121 ST	[Signature]
EMILIO MARTINEZ	11940 NE 5 AVE	[Signature]
ELIZABETH MARTINEZ	11940 NE 5 AVE	[Signature]
Andrew Ques	11935 NE 5 AVE	[Signature]
Offic D. SILVA	11925 NE 5 AVE	[Signature]
Casto Fuenmayor	11935 NE 5 AVE	[Signature]

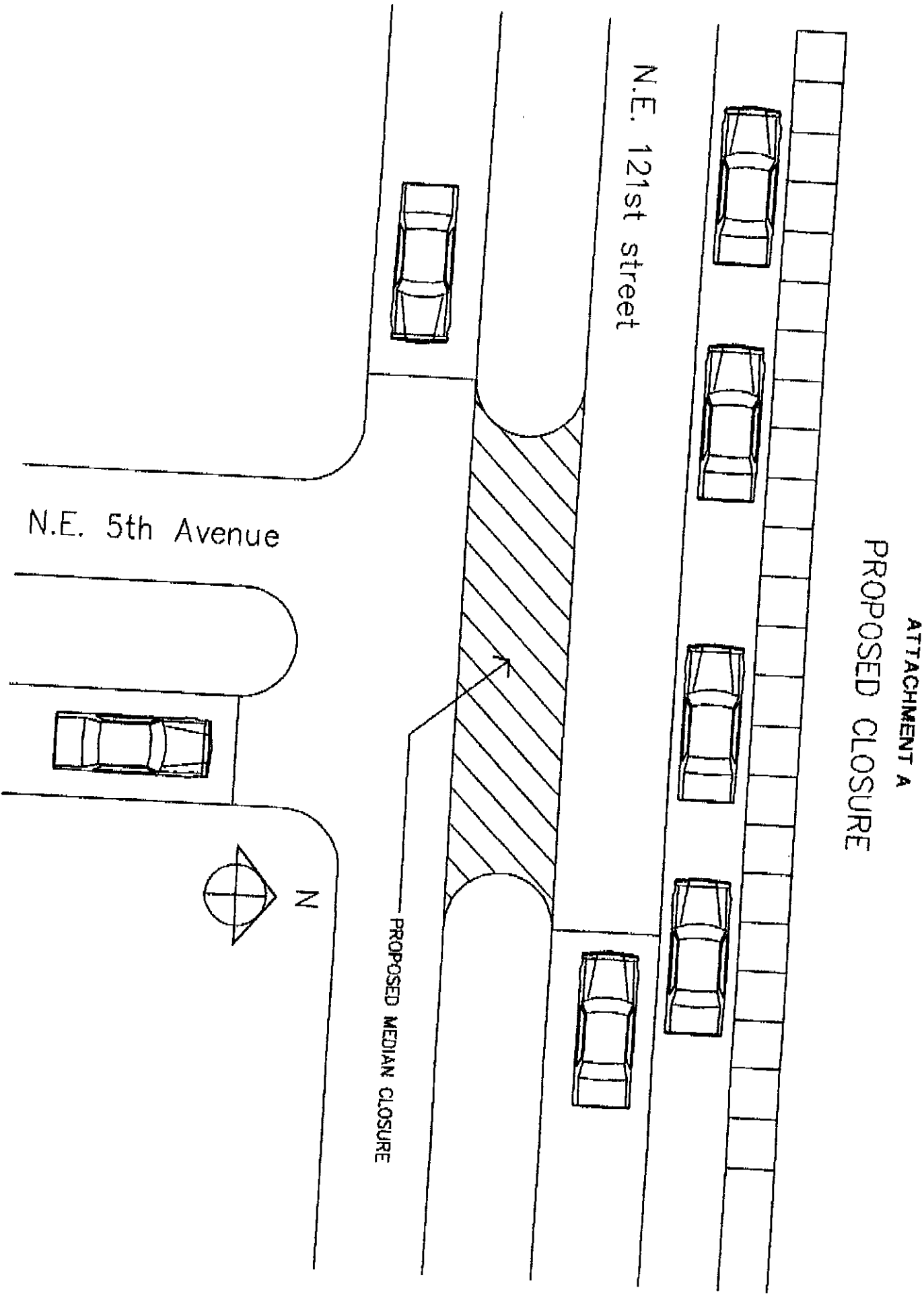
**PETITION TO EXTEND THE PORTION OF THE MEDIAN IN THE INTERSECTION OF N.E 121 STREET AND N.E 5 AVENUE ADJOINING NORTH MIAMI.**

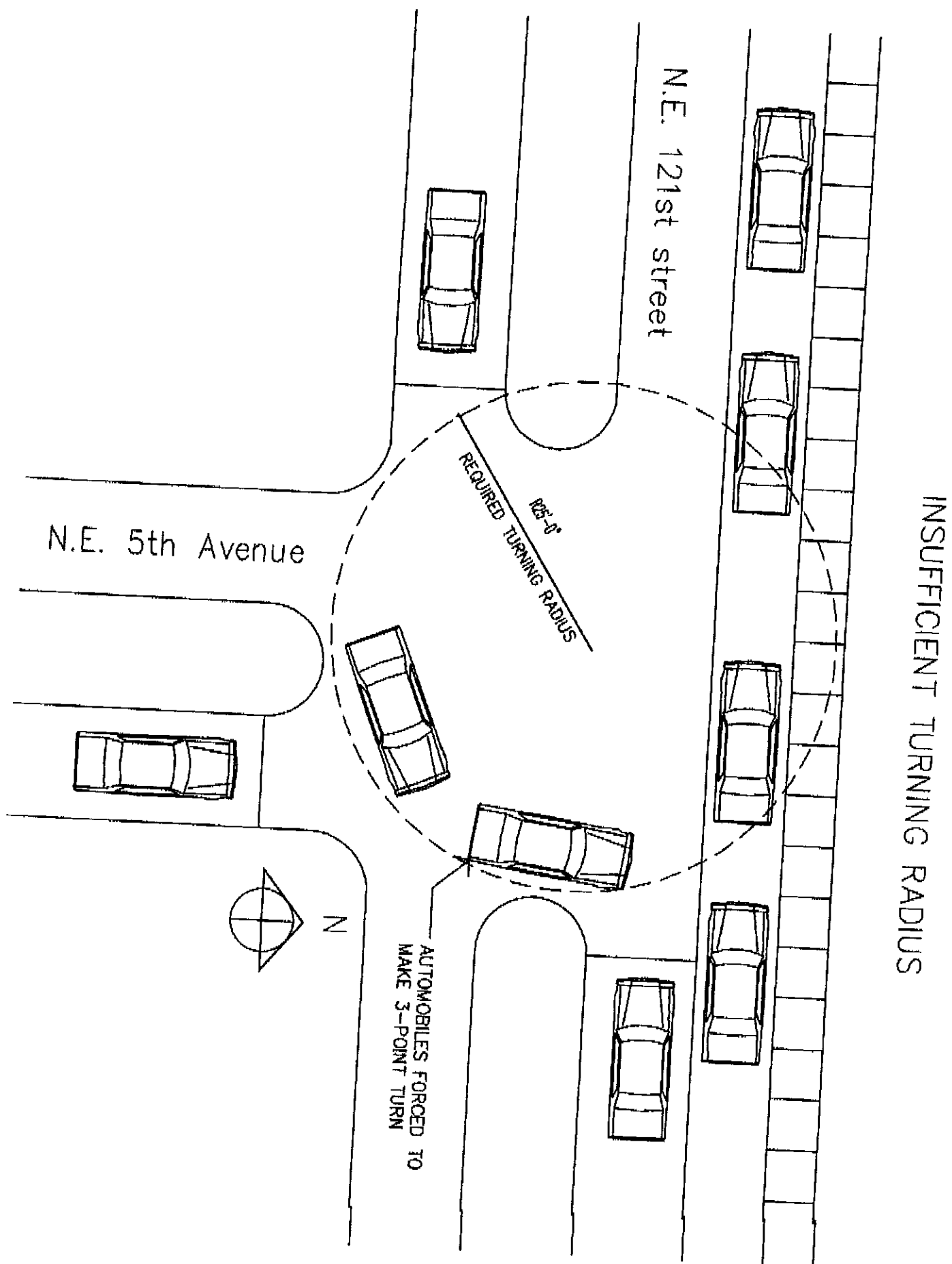
4. THAT THE EXTENDING OF THE AFOREMENTIONED INTERSECTION IS NOT CONTRARY TO THE PUBLIC INTEREST AND NO PERSON, FIRM OR CORPORATION OWNING PROPERTY IN THE VICINITY OF THE STREET OR THE SUBDIVISION, IF ANY, IN WHICH SAID INTERSECTION IS LOCATED WILL THEREBY BE DEPRIVED OF REASONABLE MEANS OF INGRESS TO HIS, ITS OR THEIR PROPERTY.

WHEREFORE, the undersigned hereby respectfully petitions that, upon proper findings, the city commissioners of Biscayne park to extend the above described portion of median N.E 121 street and N.E 5 avenue after giving the proper notice and the public hearing required by law.



Petitioner Casto Fuenmayor









# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000  
Fax: 305 891 7241

## Mayor and Commission

Roxanna Ross  
Mayor

Steve Bernard  
Vice Mayor

Robert "Bob" Anderson  
Commissioner

Albert Childress  
Commissioner

Bryan Cooper  
Commissioner

Ana Garcia  
Village Manager

John J. Hearn  
Village Attorney

Maria Camara  
Village Clerk

March 23, 2011

To: Mayor Roxana Ross  
Vice Mayor Steve Bernard  
Commission Bob Anderson  
Commissioner Al Childress  
Commissioner Bryan Cooper

From: Ana M. Garcia, Village Manager

**Re: Resolution 2011-16 – Contract for Median Maintenance Services**

### **Background Analysis:**

As advised during our March 2011 Council meeting, the Public Works Department has lost four full time employees within the past three years that the Village has not replaced, yet the work load has only increased with the maintenance of the Sixth Avenue medians, the landscaped area of our Village entrance sign, the new plantings at the Public Works facility, the Butterfly Park, Ed Burke Park, Griffing Park and areas around Village Hall. Additionally, renovations at the Ed Burke Park call for added building maintenance and upkeep, and the Cabin is in need of more attention as are our ball fields.

The Public Works team needs assistance so they can focus on some of the details, projects and enhancements that can and will be done in the Village of Biscayne Park. Putting out fires and a band aid approach to maintenance is a disservice to our Village, its residents, and the Public Works team.

To hire a minimum of two full time employees at a rate of \$8.00 per hour would cost the Village of Biscayne Park approximately \$53,588 including all benefits. Additionally, equipment cost, repair, storage and on going training and uniform cost would also need to be included in the cost analysis. Hence the recommendation to outsource a portion of our median maintenance is the conclusion of our research.

Pursuant to the Request for Proposal issued under RFQ 2011-01, the medians of 111<sup>th</sup>, 113<sup>th</sup>, 115<sup>th</sup>, 117<sup>th</sup>, and 119<sup>th</sup> streets, as well as 5<sup>th</sup> 6<sup>th</sup> 8<sup>th</sup> and 10<sup>th</sup> avenues would be outsourced and the large medians and parks would be maintained in house, as the large medians are identified in any parks system as linear parks. The Village's in house team can better plan and execute their assignments, we can better train and develop our team, the Village saves money and we are able to enhance the aesthetics of our Village.

**Manager Recommendation**

**Page 1 of 2**

Request for Bid 2011-01 resulted in seven firms responding. The Village Clerk received and certified the bid packages and a bid opening was held on February 11, 2011. The low bidder for the services requested was Groundkeepers, Inc. (Environmental Maintenance and Landscape Development). Groundkeepers is an established and experienced company with satisfied clients from the Town of Miami Lakes to the Village of Palmetto Bay. Their expertise goes above and beyond lawn care. Maintenance of athletic fields is an area where Groundkeepers has excelled as well. This local company is home grown with a team ready to assist the Village of Biscayne Park in a variety of areas.

The Village has negotiated and prepared an agreement with Groundkeepers, for a three year period, terminable upon 30 days prior written notice. The Village has also included a "trial period" early termination provision at Subsection 8.02. The Village Attorney has drafted an agreement that ensures the protection of the Village and ensures compliance with state and local laws, insurance requirements, and provides indemnification of the Village.

**Fiscal/Budgetary Impact:**

These services would commence the first week of April, and the service for the months of April through September would be bi-monthly. The cost per complete service for all the medians listed above would be \$877.00 per service. This fiscal year that would equate to \$10,524. We have budgeted \$5,000 in Public Works under "Summer Mowing", and the additional \$6,401.00 would come out of the Road Fund, under the Road Materials line item budgeted for fiscal year 2010-2011 and the yearly appropriation from the state for the maintenance of 6<sup>th</sup> avenue of \$3,980.00.

The median maintenance services would commence in the month of April 2011, on a bi-monthly basis through November, and a monthly service schedule for the months of December through March. There is an anticipated cost to the Village of an estimated maximum amount of \$21,048.00 annually, (\$877.00, per service), which cost would allow for up to 24 (not to exceed 24 services a year, at \$877.00, per service. If less services are provided the total amount paid shall be paid according to the per service (\$877.00) price quoted in the contract.

**Manager Recommendation:**

Manager recommends approval.

1  
2  
3 **RESOLUTION NO. 2011-16**  
4

5 **A RESOLUTION OF THE VILLAGE COMMISSION**  
6 **OF THE VILLAGE OF BISCAYNE PARK, FLORIDA**  
7 **RELATING TO CONTRACTS; AUTHORIZING THE**  
8 **MAYOR TO EXECUTE THE ATTACHED CONTRACT**  
9 **FOR MEDIAN MAINTENANCE SERVICES**  
10 **PURSUANT TO THE REQUEST FOR PROPOSAL**  
11 **2011-01 WITH GROUNDKEEPERS, INC., TO**  
12 **PROVIDE UP TO 24 MEDIAN MAINTENANCE**  
13 **SERVICES TO THE VILLAGE; IN AN AMOUNT NOT**  
14 **TO EXCEED \$21,048.00; AND PROVIDING FOR AN**  
15 **EFFECTIVE DATE.**  
16

17 WHEREAS, on January 28, 2011, the Village sent out an Invitation to Bid for median  
18 maintenance services and received seven (7) responses; and,  
19

20 WHEREAS, Contractor was found to be the lowest bidder that completed the Invitation  
21 to Bid package; and,  
22

23 WHEREAS, funding will be provided through the general revenue fund of the Village,  
24 through the budgeted dollars in the Public Works Department's budget under "Summer  
25 Mowing," under the Road Fund budget under "Road Materials", and state sends the Village of  
26 Biscayne Park \$3,980.00 annually for 6<sup>th</sup> avenue median maintenance; and,  
27

28 WHEREAS, the Village Manager has negotiated with Groundkeepers, Inc. as to the  
29 terms of the agreement with Contractor and the Commission has found it to be in the best  
30 interests of the residents of the Village to have Contractor perform median maintenance  
31 services; and,  
32

33 WHEREAS, Groundkeepers, Inc. was the most responsive bidder to provide services to  
34 the Village for median landscape maintenance; and,  
35

36 WHEREAS, each service shall be at a cost of \$877.00, with up to 24 services annually,  
37 at an estimated cost not to exceed \$21,048.00; and,  
38

39 WHEREAS, in consideration of the benefits provided by Contractor to the citizens of  
40 the Village of Biscayne Park, the Village desires to enter into contract with Groundkeepers,  
41 Inc. and, now, therefore,  
42

43 BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE  
44 PARK, FLORIDA:  
45

46 **Section 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as  
47 being true and correct and hereby made a specific part of this Resolution upon adoption hereof.  
48

1           **Section 2.**     The Village Mayor is authorized to execute the agreement with  
2 Groundkeepers, Inc., for median landscape services. The agreement, in substantial form, is  
3 attached and incorporated by reference into this resolution as exhibit 1.  
4

5           **Section 3.**     This Resolution shall become effective upon adoption.  
6

7 PASSED AND ADOPTED this \_\_\_\_\_ day of April, 2011.  
8

9  
10                                   **The foregoing resolution upon being**  
11                                   **Put to a vote, the vote was as follows:**

12 \_\_\_\_\_  
13 Roxanna Ross, Mayor

14  
15 Attest:

Mayor Ross : \_\_\_\_\_  
Vice Mayor Bernard: \_\_\_\_\_  
Commissioner Anderson : \_\_\_\_\_  
Commission Childress : \_\_\_\_\_  
Commissioner Cooper: \_\_\_\_\_

16  
17  
18  
19 \_\_\_\_\_  
20 Maria C. Camara, Village Clerk

21  
22 Approved as to form:  
23  
24  
25

26 \_\_\_\_\_  
27 John J. Hearn, Village Attorney  
28

**AGREEMENT FOR MEDIAN MAINTENANCE SERVICES**  
**UNDER RFP No. 2011-01**

THIS AGREEMENT made and entered into the \_\_\_\_ day of \_\_\_\_\_, 2011, by and between:

VILLAGE OF BISCAYNE PARK, FLORIDA  
a municipal corporation  
640 NE 114 Street  
Biscayne Park, Florida 33161  
(hereinafter referred to as "VILLAGE")

AND

GROUNDKEEPERS, INC.  
a Florida corporation  
8004 NW 154<sup>TH</sup> Street, Suite 330  
Miami Lakes, Florida 33016  
(hereafter referred to as "CONTRACTOR")

WHEREAS, on January 28, 2011, the VILLAGE sent out an Invitation to Bid for median maintenance services and received seven (7) responses; and,

WHEREAS, CONTRACTOR was found to be the lowest bidder that completed the Invitation to Bid package; and,

WHEREAS, funding will be provided through the general revenue fund of the VILLAGE, through the budgeted dollars in the Public Works Department's budget under "Summer Mowing," under the Road Fund budget under "Road Materials", and state sends the Village of Biscayne Park \$3,980.00 annually for 6<sup>th</sup> avenue median maintenance; and,

WHEREAS, the Village Manager has negotiated with GROUNDKEEPERS as to the terms of the agreement with CONTRACTOR and the Commission has found it to be in the best interests of the residents of the VILLAGE to have CONTRACTOR perform median maintenance services; and,

NOW, THEREFORE, in consideration of the benefits provided by CONTRACTOR to the citizens of the Village of Biscayne Park and the covenants and conditions herein expressed and the faithful performance of all such covenants and conditions, the parties agree as follows:

**Section 1. WHEREAS CLAUSES.**

1.01 The above recitals are true and correct and are incorporated herein.

## **Section 2. SCOPE OF SERVICES**

2.01 CONTRACTOR hereby agrees to perform and provide the equipment, materials and labor necessary for the median maintenance services as identified in the Median Maintenance Services Plan attached hereto and incorporated herein as Exhibit "A".

2.02 The median maintenance services would commence in the month of April 2011, on a bi-monthly basis through November, and a monthly service schedule for the months of December through March. There is an anticipated cost to the VILLAGE of an estimated amount of \$21,048.00 annually, (\$877.00, per service), which service is not to exceed 24 services a year at \$877.00, per service. If less services are provided the total amount paid shall be paid according to the per service listing herein.

2.03 The VILLAGE shall pay the CONTRACTOR the contract amount(s) as provided above in section 2.02. The amount shall be either a fixed price or shall be based on agreed charges for time and materials for an amount not to exceed the stated fixed amount. The amount to be paid shall be stated in the task order authorizing the work.

2.03 VILLAGE and CONTRACTOR acknowledge that the services to be provided pursuant to this Agreement shall commence upon the approval of the VILLAGE Commission.

2.04 **Concerning Subcontractors.** The CONTRACTOR will not employ any Subcontractor, against whom the VILLAGE may have reasonable objection, nor will the CONTRACTOR be required to employ any Subcontractor who has been accepted by the VILLAGE, unless the VILLAGE determines that there is good cause for doing so.

a. The CONTRACTOR shall be fully responsible for all acts and omissions of his Subcontractors and of persons and organizations directly or indirectly employed by him and of persons and organizations for whose acts any of them may be liable to the same extent that they are responsible for the acts and omissions of persons directly employed by them. Nothing in the Agreement Documents shall create any contractual relationship between VILLAGE and any Subcontractor or other person or organization having a direct contract with CONTRACTOR, nor shall it create any obligation on the part of VILLAGE to pay or to see to payment of any persons due subcontractor or other person or organization, except as may otherwise be required by law. VILLAGE may furnish to any Subcontractor or other person or organization, to the extent practicable, evidence of amounts paid to the CONTRACTOR on account of specified Work done in accordance with the schedule values.

b. The CONTRACTOR agrees to bind specifically every Subcontractor to the applicable terms and conditions of the Agreement Documents for the benefit of the VILLAGE.

c. All Work performed for the CONTRACTOR by a Subcontractor shall be pursuant to an appropriate agreement between the CONTRACTOR and the Subcontractor.

d. The CONTRACTOR shall be responsible for the coordination of the trades, Subcontractors and material men engaged upon their Work.

- i. The CONTRACTOR shall cause appropriate provisions to be inserted in all subcontracts relative to the Work to bind Subcontractors to the CONTRACTOR by the terms of this Agreement insofar as applicable to the Work of Subcontractors, and give the CONTRACTOR the same power as regards to terminating any subcontract that the VILLAGE may exercise over the CONTRACTOR under any provisions of the Agreement Documents.
- ii. The VILLAGE will not undertake to settle any differences between the CONTRACTOR and their Subcontractors or between Subcontractors.
- iii. If any Subcontractor on the Project proves to be incompetent or otherwise unsatisfactory, they shall be promptly replaced by the CONTRACTOR if and when directed by the VILLAGE in writing.

**2.05 Safety and Protection.** The CONTRACTOR will be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the Work. They will take all necessary precautions for the safety of, and will provide the necessary protection to prevent damage, injury or loss to: All employees and other persons, who may be affected thereby, and All the Work and all materials or equipment whether in storage on or off the site. The CONTRACTOR will designate a responsible member of their organization at the site whose duty shall be the prevention of accidents. This person shall be the CONTRACTOR's Superintendent unless otherwise designated in writing by the CONTRACTOR to the VILLAGE.

**2.06 Emergencies.** In emergencies affecting the safety of persons or the Work or property at the site or adjacent thereto, the CONTRACTOR, without special instruction or authorization from the VILLAGE, is obligated to act, at his discretion, to prevent threatened damage, injury or loss. He will give the VILLAGE prompt written notice of any significant changes in the Work or deviations from the Agreement Documents caused thereby. If the CONTRACTOR believes that additional Work done by him in an emergency which arose from causes beyond his control entitles him to an increase in the Agreement Price or an extension of the Agreement Time as provided in the Agreement documents.

**2.07 Equipment.** All equipment shall be maintained in an efficient and safe operating condition while performing work under the agreement. Additionally, all equipment used must be clean and free of contaminants to avoid the transferring of diseases between plants. Equipment shall have all proper safety devices required by law, properly maintained and in use at all times. If equipment does not contain proper safety devices and/or is being operated in an unsafe manner, the VILLAGE may direct the CONTRACTOR to remove such equipment and/or the operator until the deficiency is corrected to the satisfaction of the VILLAGE.

The CONTRACTOR shall be solely responsible and liable for injury to persons, and/or property damage caused by operation of the equipment. All equipment must be maintained in sound working condition in order not to exceed comfortable decibel levels.

### **Section 3. FORCE MAJEURE.**

3.01 The performance of any act by the VILLAGE or CONTRACTOR hereunder may be delayed or suspended at any time while, but only so long as, either party is hindered in or prevented from performance by acts of God, the elements, war, rebellion, strikes, lockouts or any cause beyond the reasonable control of such party, provided however, the VILLAGE shall have the right to provide substitute service from third parties or VILLAGE forces and in such event the VILLAGE shall withhold payment due CONTRACTOR for such period of time. If the condition of force majeure exceeds a period of 14 days the VILLAGE may, at its option and discretion, cancel or renegotiate this Agreement.

### **Section 4. CONSIDERATION**

4.01 VILLAGE agrees to compensate CONTRACTOR for the services performed by CONTRACTOR in the amount of \$877.00, per service, with no more than 24 services a year, with a total estimated annual contract amount of \$21,048.00, upon completion of the work specified in Section 2 above in a satisfactory manner as determined by the VILLAGE's Public Works Director and VILLAGE Manager.

4.02 An agreement is contemplated for a three year period.

4.03 Upon award of the agreement to the CONTRACTOR under the VILLAGE's RFP 2011-01, the prices quoted by the CONTRACTOR on the Bid Form shall remain fixed and firm during the term of this agreement; provided however, that the CONTRACTOR may offer incentive discounts from this fixed price to the VILLAGE at any time during the contractual term.

4.04 Method of Billing and Payment.

(a) CONTRACTOR shall submit an invoice, together with a status report, showing work completed on the project. The invoice, together with the status report shall be submitted to Ana Garcia, VILLAGE Manager, VILLAGE of Biscayne Park, 640 NE 114 Street, Biscayne Park, Florida 33161, on a monthly basis by a task/work order basis.

(b) VILLAGE will make its best efforts to pay CONTRACTOR within thirty (30) calendar days of receipt of invoice the total shown to be due on such invoice provided that the commensurate work has been performed satisfactorily.

### **Section 5. INSURANCE**

5.01 Prior to commencing work, CONTRACTOR shall provide VILLAGE with certified copies of all insurance policies providing coverage as required.

5.02 CONTRACTOR shall secure and maintain, at its own expense, and keep in effect during the full period of the Agreement a policy or policies of insurance, which must include the following coverages and minimum limits of liability:



(a) **Professional Liability Insurance** in an amount not less than \$1,000,000 per occurrence.

(b) **Worker's Compensation and Employer's Liability Insurance** for all employees of CONTRACTOR engaged in work under the Agreement in accordance with the laws of the State of Florida. CONTRACTOR shall agree to be responsible for the employment, control and conduct of its employees and for any injury sustained by such employees in the course of their employment.

(c) **Comprehensive General Liability Insurance** with the following minimum limits of liability:

\$1,000,000.00 Combined Single Limit, Bodily  
Injury and Property Damage  
Liability per occurrence

Coverage shall specifically include the following minimum limits not less than those required for Bodily Injury Liability and Property Damage:

\$1,000,000.00 Combined Single Limit, Bodily  
Injury and Property Damage  
Liability per occurrence

(1) Premises and Operations;

(2) Independent Contractors;

(3) Products and Completed Operations;

(4) Broad Form Property Damage;

(5) Broad Form Contractual Coverage applicable to the Agreement and specifically confirming the indemnification and hold harmless agreement in the Agreement;

(6) Personal Injury Coverage with employment and contractual exclusions removed and deleted; and

(d) **Comprehensive Automobile Liability Insurance** for all owned, non-owned and hired automobiles and other vehicles used by CONTRACTOR in the performance of the work with the following minimum limits of liability:

\$300,000.00 Combined Single Limit, Bodily  
Injury and Property Damage  
Liability per occurrence

**5.03 ALL LIABILITY INSURANCE POLICIES SHALL SPECIFICALLY PROVIDE THAT THE VILLAGE OF BISCAYNE PARK IS AN ADDITIONAL INSURED WITH RESPECT TO THE REQUIRED COVERAGES AND THE OPERATIONS OF THE**

**CONTRACTOR UNDER THE AGREEMENT.** Insurance companies selected must be acceptable to VILLAGE. All of the policies of insurance so required to be purchased and maintained shall contain a provision or endorsement that the coverage afforded shall not be canceled, materially changed or renewal refused until at least thirty (30) calendar days written notice has been given to VILLAGE by certified mail.

5.04 The required insurance coverage shall be issued by an insurance company duly authorized and licensed to do business in the State of Florida with the following minimum qualifications in accordance with the latest edition of A.M. Best's Insurance Guide:

Financial Stability B+ to A+

5.05 CONTRACTOR is required to submit a list of claims presently outstanding against their professional liability coverage. This information must be provided by and signed by the agent of the insurance carrier. If no outstanding claims exist, a statement of this fact must be provided by and signed by the agent of the insurance carrier.

#### **Section 6. INDEMNIFICATION**

6.01 **General Indemnification:** CONTRACTOR shall indemnify, save and hold harmless VILLAGE, its officers, agents and employees, from any and all damages, losses, liabilities and costs, including but not limited to, reasonable attorneys' fees, to the extent caused by the negligence, recklessness or intentionally wrongful conduct of CONTRACTOR or his subcontractors, agents, officers, employees or independent contractors pursuant to the Agreement, specifically including but not limited to those caused by or arising out of any act, omission, negligence or default of CONTRACTOR and/or his subcontractors, agents, servants or employees in the provision of the services under the Agreement.

6.02 Patent And Copyright Indemnification: CONTRACTOR agrees to indemnify, save and hold harmless VILLAGE, its officers, agents and employees, from all claims, damages, losses, liabilities and expenses arising out of any alleged infringement of copyrights, patent rights and/or the unauthorized or unlicensed use of any material, property or other work in connection with the performance of the Agreement.

6.03 Nothing in this Agreement will be construed to affect in any way the VILLAGE's rights, privileges, and immunities, including the monetary limitations of liability set forth in Section 768.28 of the Florida Statutes. The provisions of this Section will survive the termination or expiration of this Agreement.

#### **Section 7. WARRANTIES OF QUALITY AND CONDITION**

7.01 CONTRACTOR represents and warrants that all work will be performed in accordance with professional "workmanlike" standards and free from defective or inferior materials and workmanship for one (1) year after the date of final acceptance by the VILLAGE.

7.02 CONTRACTOR represents and warrants that the materials used are not currently known

to be harmful to public health and safety.

7.03 If within one (1) year the VILLAGE observes any breach of warranty described in this Section that is curable by the CONTRACTOR, the CONTRACTOR shall, at the request of the VILLAGE, cure the breach promptly, satisfactorily and consistent with professional lawn maintenance standards, at no expense to the VILLAGE. The VILLAGE shall give notice to the CONTRACTOR of such breach with reasonable promptness.

7.04 If within one (1) year the VILLAGE observes a breach of warranty described in this Section that is not curable by CONTRACTOR, the CONTRACTOR is responsible for reimbursing the VILLAGE for damages, expenses and loss incurred by the VILLAGE as a result of the breach. However, if the CONTRACTOR disclosed the risk of this breach in the Proposal and the VILLAGE accepted that it may occur, it shall not be deemed a breach for purposes of this Section of this Agreement.

## **Section 8. TERMINATION**

8.01 At Will Termination. This Agreement is terminable by either VILLAGE or CONTRACTOR at any time on thirty (30) days written notice to the other party as provided in Section 19 below.

8.02 As CONTRACTOR will be providing services to the VILLAGE for the first time and to ensure that the VILLAGE is completely satisfied with services to be provided, CONTRACTOR, shall be subject to a "probationary" or "trial period", to wit: the VILLAGE, during the first 90 days of the agreement, upon providing five (5) days prior notice of any concerns, defects, deficiencies, or defaults under the scope of services, may terminate this agreement without having to comply with section 8.01. After the 90 day period, the termination provisions of section 8.01, shall apply, as the "trial period" shall have been successfully completed.

8.03 Termination For Lack Of Funds. Notwithstanding any other provisions of the contract, if the funds anticipated by the VILLAGE for the for the payment of work under this contract are at any time not forthcoming, through the failure of the VILLAGE to appropriate funds, the failure of Miami-Dade County, the Florida Legislature, or the U.S. Congress to appropriate funds, or the refusal of the administrative branch of the federal or county government to release funds, or due to any other reason for the unavailability of funds in succeeding fiscal years, or the discontinuance or material alteration of the program under which funds are to be provided, the VILLAGE shall have the right to terminate the contract without penalty by giving not less than 10 days written notice of the lack of available funding. In the event the VILLAGE declines to appropriate funds for payment of the contract for future fiscal years, CONTRACTOR shall be paid for work performed under the contract with funds that are appropriated for the current fiscal year. The liability of the VILLAGE to CONTRACTOR shall be limited to the obligation to budget and appropriate funds for work performed during the current fiscal year. For any portion of the work that is funded by county, state or federal appropriations or grants, the liability of the VILLAGE to CONTRACTOR shall be limited to payment for services when payment is received by the VILLAGE from the county, state or federal authority. The VILLAGE shall

submit all required documents requesting payment within a reasonable time. The VILLAGE shall not be liable to CONTRACTOR for work performed in the event that payment is not received by the VILLAGE from a county, state or federal funding authority. This is a pay-when-paid clause.

#### **Section 9. RECORDS AND AUDIT**

9.01 VILLAGE reserves the right to audit the records of CONTRACTOR relating to this Agreement at any time during the performance and term of the Agreement and for a period of three (3) years after completion and acceptance by VILLAGE. If required by VILLAGE, CONTRACTOR shall agree to submit to an audit by an independent certified public accountant selected by VILLAGE. CONTRACTOR shall allow VILLAGE to inspect, examine and review the records of CONTRACTOR at any and all times during normal business hours during the term of this Agreement.

#### **Section 10. INDEPENDENT CONTRACTOR**

10.01 It is understood and agreed that CONTRACTOR is and shall remain an independent contractor with respect to the services being performed by CONTRACTOR pursuant to this Agreement and shall not, for any purpose, be deemed an employee of VILLAGE.

#### **Section 11. CONFLICT OF INTEREST**

11.01 CONTRACTOR covenants that no person under its employ who presently exercises any functions or responsibilities in connection with this Agreement has any personal financial interests, direct or indirect, with VILLAGE. CONTRACTOR further covenants that, in the performance of this Agreement, no person having such conflicting interest shall be employed. Any such interests, on the part of CONTRACTOR or its employees, must be disclosed in writing to VILLAGE.

11.02 CONTRACTOR is aware of the conflict of interest laws of the Municipal Code of the VILLAGE of Biscayne Park, Dade County and the State of Florida, Chapter 112, Florida Statutes (2004), as amended, and agrees that it will fully comply in all respects with the terms of said laws.

11.03 CONTRACTOR warrants that it has not employed or retained any person employed by VILLAGE to solicit or secure this Agreement and that it has not offered to pay, paid, or agreed to pay, any public official or person employed by VILLAGE any fee, commission, percentage, brokerage fee or gift of any kind, contingent upon or resulting from the award of this privilege.

## **Section 12. ASSIGNMENT**

12.01 This is a services Agreement whereby VILLAGE has expressly retained CONTRACTOR. This Agreement is not assignable or transferable in whole or in part without the prior expressed written consent of VILLAGE which consent can be arbitrarily withheld.

## **Section 13. COMPLIANCE WITH LAWS**

13.01 CONTRACTOR shall comply with all statutes, laws, ordinances, rules, regulations and lawful orders of the United States of America, State of Florida, VILLAGE of Biscayne Park and of any other public authority, which may be applicable to this Agreement. Where CONTRACTOR is required to enter or go onto VILLAGE property to deliver materials or perform work or services as a result of a bid award, the CONTRACTOR will assume the full duty, obligation and expense of obtaining all necessary licenses, permits and insurance and assure all work complies with all applicable Miami-Dade County and VILLAGE of Biscayne Park requirements. The CONTRACTOR shall be liable for any damages or loss to the VILLAGE occasioned by negligence of the CONTRACTOR (or agent) or any person the CONTRACTOR has designed in the completion of the agreement as a result of his or her bid.

13.02 **Non-Discrimination.** In the providing of security guard services, CONTRACTOR, its employees, agents, volunteers, and any parties under the direction or control of CONTRACTOR may not discriminate against any person on the basis of sex, age, race, color, religion, ancestry, national origin, physical handicap or sexual orientation by refusing to furnish to such person any accommodation, facility, service or privilege offered to or enjoyed by the general public. In the performance of this Agreement, CONTRACTOR, its employees, agents, volunteers, and any parties under the control or direction of CONTRACTOR may not discriminate against any employee or applicant for employment on the basis of sex, age, race, color, religion, ancestry, national origin, physical handicap, or sexual orientation.

## **Section 14. VENUE**

14.01 Any claim, objection or dispute arising out of the terms of this Agreement shall be litigated in the Eleventh Judicial Circuit in and for Dade County, Florida and the prevailing party to any resultant judgment shall be entitled to an award of all reasonable attorney's fees, paralegal expenses, interest and court costs incurred by such prevailing party against the losing party including reasonable appellate attorney's fees, interest and taxable costs.

14.02 The VILLAGE and the CONTRACTOR knowingly, irrevocably voluntarily and intentionally waive any right either may have to a trial by jury in State or Federal Court proceedings in respect to any action, proceeding, lawsuit or counterclaim based upon the Agreement Documents or the performance of the Work there under.

## **Section 15. GOVERNING LAW**

15.01 The validity, construction and effect of this Agreement shall be governed by the laws of the State of Florida.

## **Section 16. INSOLVENCY**

16.01 In the event that either party shall become insolvent, make a general assignment for the benefit of creditors, suffer or permit the appointment of a receiver for its business or its assets or shall avail itself of, or become subject to, any proceeding under the Federal Bankruptcy Act or any other statute of any state relating to insolvency or the protection of rights of creditors, or become subject to rehabilitation, then, at the option of the other party and immediately upon written notice, this Agreement shall terminate and be of no further force and effect.

## **Section 17. ENTIRE AGREEMENT**

17.01 This Agreement contains the entire understanding of the parties relating to the subject matter hereof superseding all prior communications between the parties whether oral or written, and this Agreement may not be altered, amended, modified or otherwise changed nor may any of the terms hereof be waived, except by a written instrument executed by both parties. The failure of a party to seek redress for violation of or to insist on strict performance of any of the covenants of this Agreement shall not be construed as a waiver or relinquishment for the future of any covenant, term, condition or election but the same shall continue and remain in full force and effect.

## **Section 18. SEVERABILITY**

18.01 Should any part, term or provision of this Agreement be by the courts decided to be illegal or in conflict with any law of the State, the validity of the remaining portions or provisions shall not be affected thereby.

## **Section 19. NOTICES**

19.01 All notices or other communications required or permitted under this Agreement shall be in writing and given by either hand delivery, registered/certified mail, return receipt requested or overnight courier to:

VILLAGE: Ana M. Garcia, Village Manager  
Village of Biscayne Park  
640 NE 114 Street  
Biscayne Park, Florida 33161

CONTRACTOR: Andrew Gonzalez, President  
Groundkeepers, Inc.  
8004 NW 154<sup>TH</sup> Street, Suite 330  
Miami Lakes, Florida 33016

## **Section 20. THIRD PARTIES**

20.01 Neither the CONTRACTOR nor VILLAGE intends to directly or substantially benefit a third party by this Agreement. Therefore, the parties agree that there are no third party beneficiaries to this Agreement and that no third-party shall be entitled to assert a claim against either of them based upon this Agreement.

## **Section 21. MISCELLANEOUS**

21.01 It is further expressly understood and agreed that no real or personal property is leased to CONTRACTOR and that CONTRACTOR shall comply with each and all of the undertakings, provision, agreements, covenants, stipulations and conditions contained herein.

21.02 This Agreement may be signed in two or more counterparts, each of which constitutes the agreement of the parties and each of which will be treated as an original.

21.03 All terms, conditions, covenants and obligations of VILLAGE and CONTRACTOR hereunder shall survive the termination or expiration of this Agreement as necessary and appropriate for such parties to fulfill their obligations that accrued during the Term of this Agreement.

21.04 CONTRACTOR and its agents, employees or volunteers shall not be permitted to consume or otherwise possess any alcoholic beverages, tobacco products or other such products as determined by the VILLAGE, during scheduled security guard services.

21.05 In the event a court must interpret any word or provision of this agreement, the word or provision shall not be construed against either party by reason of drafting or negotiating this agreement.

[SIGNATURE PAGES TO FOLLOW – REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the VILLAGE OF BISCAYNE PARK and GROUNDKEEPERS, INC., have caused these presents to be executed in their respective names by the proper officials the day and year first above written.

**VILLAGE OF BISCAYNE PARK, FLORIDA**  
a municipal corporation, organized and existing  
under the laws of the State of Florida

ATTEST:

By: \_\_\_\_\_  
Roxanna Ross, Mayor

\_\_\_\_\_  
Maria C. Camara, Village Clerk

Approved as to form:

By: \_\_\_\_\_  
John J. Hearn, Village Attorney

State of Florida                    )  
County of Miami-Dade         )

The foregoing instrument was acknowledged before me, the undersigned Notary Public in and for the State of Florida, on this, the \_\_\_\_\_ day of \_\_\_\_\_, 2010, by Roxanna Ross and Maria Camara, Mayor and Village Clerk, respectively, who are personally known to me or provided \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of Florida



**GROUNDKEEPERS, INC.**

By: \_\_\_\_\_  
Andrew Gonzalez, President

State of Florida        )  
County of Miami-Dade)

On this, the \_\_\_\_ day of \_\_\_\_\_, 2011, before me, the undersigned Notary Public of the State of Florida, the foregoing instrument was acknowledged by Andrew Gonzalez, President of Groundkeepers, Inc., a Florida corporation, on behalf of the corporation, who is personally known to me or provided \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of Florida

# BISCAYNE PARK POLICE DEPARTMENT

## MEMORANDUM

TO: Ms. Ana M. Garcia, Village Manager

FROM: Chief Mitchell Glansberg

DATE: March 25, 2011

CC: Mayor Roxanne Ross, Village Commission, Village Commissioners, Mrs. Maria Camara, Village Clerk

RE: Agenda Item, April 2011 Commission Meeting: Expenditure of Federal Forfeiture Funds

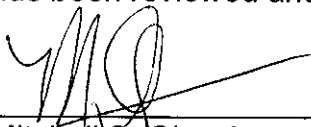
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### **Federal Forfeiture Funds Expenditure Background:**

The Village of Biscayne Park Police Department is seeking expenditure of not more than \$2000.00 from the Village of Biscayne Park Police Department's Federal Forfeiture Funds account pursuant to Federal and State Forfeiture Guidelines to be utilized to purchase bullet proof vest's and accessories for police department personnel to be used in the performance of their official duties such as crime prevention and narcotics interdiction.

### **CERTIFICATION:**

*I, Mitchell S. Glansberg, Chief of Police, certify that all funds from the above request(s) will be utilized for law enforcement purposes and comply with the requirements of the State of Florida Forfeiture Guidelines and The Department of Justice/Treasury Forfeiture Guidelines, where applicable. The above request has been reviewed and approved by the office of the City Attorney.*

  
\_\_\_\_\_  
Mitchell S. Glansberg  
Chief of Police

**RESOLUTION NO. 2011-18**

**A RESOLUTION OF THE VILLAGE  
COMMISSION OF THE VILLAGE OF  
BISCAYNE PARK, FLORIDA,  
APPROVING THE EXPENDITURE OF  
POLICE FORFEITURE FUNDS OF NOT  
MORE THAN \$2,000 FOR THE PURCHASE  
OF BULLET PROOF VESTS; PROVIDING  
FOR AN EFFECTIVE DATE**

WHEREAS, the Village of Biscayne Park Police Department takes every precaution and preventive measure to insure the safety and protection of its police officers; and,

WHEREAS, bullet proof vests are a necessity for each and every police officer; and,

WHEREAS, the expenditure of not more than \$2,000 for the purchase of bullet proof vests and accessories is pursuant to federal and state forfeiture guidelines.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:

**Section 1.** The foregoing "WHEREAS" clauses are true and correct and hereby ratified and confirmed by the Village Commission.

**Section 2.** That the Chief of Police is authorized to purchase bullet proof vests and accessories not to exceed \$2,000 utilizing Police Forfeiture Funds.

**Section 3.** This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this \_\_\_\_\_ day of April, 2011.

**The foregoing resolution upon  
being put to a vote, the vote was  
as follows:**

\_\_\_\_\_  
Roxanna Ross, Mayor

Mayor Ross : \_\_\_\_\_  
Vice Mayor Bernard: : \_\_\_\_\_  
Commissioner Anderson : \_\_\_\_\_  
Commission Childress: : \_\_\_\_\_  
Commissioner Cooper: : \_\_\_\_\_

1 Attest:

2  
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5  
6 \_\_\_\_\_  
7 Maria C. Camara, Village Clerk

8 Approved as to form:

9  
10  
11  
12 \_\_\_\_\_  
13 John J. Hearn, Village Attorney



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000  
Fax: 305 891 7241

Date: March 27, 2011 (Per email of that date)

To: Attorney's Office; Village Manager; Clerk

From: L. Bryan Cooper

**Re: Protection of staff; Village liability and a Resolution/Order**

## **Background Analysis:**

Given recent allegations against the Villager Manager's Office, see below Order. (Background analysis of vendors providing services per the Resolution/Order below can be analyzed by Village staff in the same professional manner with which they approach Village insurance.

## **Fiscal/Budgetary Impact:**

To be determined by Village Staff per Order below.

## **Recommendation:**

**A Order of the Village Commission of the Village of Biscayne Park, Florida directing the Village Attorney to receive from the Clerk a report on three to five "Ethics Hot-line" related companies providing services to government; with back-ground information, analysis, cost and resulting documentation forwarded in advance to the full Commission, along with Village Attorney recommendation, one week prior to next full Commission meeting."**

**village clerk**

---

**From:** attyhearn@aol.com  
**Sent:** Wednesday, March 30, 2011 5:36 PM  
**To:** bryancooper7@yahoo.com  
**Cc:** villagemanager@biscayneparkfl.gov; villageclerk@biscayneparkfl.gov; vobparchives@biscayneparkfl.gov

**Subject:** Re: protection of staff; village liability and a Resolution

I am in receipt of your below email concerning the above referenced matter. As stated in my prior email addressing consent agendas, the decision of where an item should be placed on an agenda is normally done by a Manager in a Manager-Commission form of government. It is my understanding that the Village Manager has decided to place your item on consent. To be clear and as I have stated earlier, I am unaware of any violations of state statutes or laws that you refer to, although I fully recognize you make those allegations.

As to your questions concerning the use of an Ethics Hotline, I have not seen it done in any city. It is certainly not common practice. We are fortunate in Miami-Dade County to be able to contact the Miami-Dade County Commission on Ethics directly and/or the State Ethics Commission. These Commissions vigilantly enforce ethics laws, at no cost to the Village.

Lastly, you have recently sent several emails via "bcc" to all Commissioners. In order to ensure that no Sunshine violations result, your emails should first be sent to staff and the Village Attorney's office. You can request that the item be "bcc'd" to all Commissioners. If the email is only conveying information and is not being used as a substitute for action at a public meeting, it may be appropriate to send to all Commissioners. However, if it is providing your position concerning an item(s) that will likely be placed on the agenda, those emails should not be sent to other Commissioners. Emails containing more than just information but the position of an elected official are best brought up at Commission meetings. Emails being used as a substitute for action at a public meeting violate the Sunshine Law.

-----Original Message-----

From: Bryan Cooper <bryancooper7@yahoo.com>  
 To: villageclerk@biscayneparkfl.gov <villageclerk@biscayneparkfl.gov>; John Hearn <JJH@coralsprings.org>  
 Cc: agarcia@biscayneparkfl.gov <agarcia@biscayneparkfl.gov>; attyhearn@aol.com <attyhearn@aol.com>  
 Sent: Wed, Mar 30, 2011 8:15 am  
 Subject: Re: protection of staff; village liability and a Resolution

Mr. Hearn (also Ms. Garcia and Ms. Camara; and Commissioners, who are bcc'd to support Sunshine adherence):

Please see attached (in Memo form) and below "Order", as requested; also my additional questions and comments.

Mr. Hearn, can you provide clear statement in writing as to if your office would rule for, or rule against, what might be discrimination against an Order that should have equal standing to a Resolution in a Consent Agenda, or the regular Agenda where new Resolutions/Orders are typically placed ahead of New Business, according to our parliamentary procedure?

And, Ms. Garcia: Would the Manager's Office have its own answer to this question? If so, please provide?

Since Robert's Rules generally sees no significant difference between a Resolution and an Order,

3/30/2011

with the only distinction being when paid employees are involved it would be worded "Order", then can I ask for explanation as to the suggestion to move it to New Business...at the end of the Agenda?

As you can imagine, I am concerned about highly problematic actions that keep my and Commissioner Bernard's agenda items from being heard under New Business, and, moreover, since November of this past year.

I have already registered my concerns with both of your offices regarding numerous apparent problematic uses of parliamentary procedure to shut down or repress legitimate discourse (and that could call into question the legitimacy/legality of votes and actions taken, and hence the legitimacy of our whole Village government).

Also, it is clear -- I would hope especially to you and your office Mr. Hearn -- that there are now documented concerns about past seemingly regular attempts at actions that would violate State statutes and laws.

Please see the below correction to reflect "Order" instead of "Resolution", and my desire that you all strongly question if it should be placed at the back of the Agenda under New Business, given the recent interpretations of what should go into a Consent Agenda.

**An Order of the Village Commission of the Village of Biscayne Park, Florida..."directing the Village Attorney to receive from the Clerk a report on three to five "Ethics Hot-line" related companies providing services to government; with back-ground information, analysis, cost and resulting documentation forwarded in advance to the full Commission, along with Village Attorney recommendation, one week prior to next full Commission meeting."**

Last, I still look forward Mr. Hearn to your providing answers to my questions below, and to the full Commission in writing so we all have the same basis of information.

Thanks in advance,

Bryan Cooper

**From:** village clerk

**To:** [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov)

**Cc:** [agarcia@biscayneparkfl.gov](mailto:agarcia@biscayneparkfl.gov); [attyhearn@aol.com](mailto:attyhearn@aol.com)

**Sent:** Mon, March 28, 2011 3:26:28 PM

**Subject:** RE: protection of staff; village liability and a Resolution

The following is a response from the Village Manager's office:

Commissioner Cooper and Full Commission;

In reading your e-mail, this is not a resolution as submitted. Rather it is a directive to staff. We suggest that this item be included in the agenda under New Business for discussion by the Commission. Attached is the agenda request form for you to please fill out and submit to the clerk to be included in April's agenda.

Thank you.

3/30/2011

Maria C. Camara, Village Clerk  
Village of Biscayne Park  
640 NE 114th Street  
Biscayne Park, FL 33161  
Tel: 305 899 8000, Ext. 201  
email: [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov)

**From:** Bryan Cooper [<mailto:bryancooper7@yahoo.com>]

**Sent:** Sunday, March 27, 2011 3:48 PM

**To:** [attyhearn@aol.com](mailto:attyhearn@aol.com); John Hearn

**Cc:** [vobparchives@biscayneparkfl.gov](mailto:vobparchives@biscayneparkfl.gov); [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov);  
[villagemanager@biscayneparkfl.gov](mailto:villagemanager@biscayneparkfl.gov)

**Subject:** protection of staff; village liability and a Resolution

Mr. Hearn; and Ms. Garcia (and full Commission bcc'd on this email and who should not respond in order to uphold Sunshine Law):

It is my understanding that there are ways to lessen the liability of government by procuring ethics hotline services to protect Village staff and/or whistle-blowers from retaliation and abuse. Also, at the same time it can serve as an early warning system to nip problematic behavior in the bud and effectively gather evidence.

Mr Hearn, have you ever made such a suggestion in your years as Village Attorney to a standing Commission?

If so, when and what was the result? And if not, why?

Would you now support such a system for our Village?

Could any information received from such a service be provided directly to your office for action, and with your office having responsibility for full and immediate provision of all information to all Commissioners who would be in the communication loop? Or, would you work directly by communicating with the State Attorney's Office if needed, if you were to become aware of wrong-doing?

To the Village Manager's Office:

Since there is no cost outside staff time, I would like the following to be placed as a Resolution: A Resolution of the Village Commission of the Village of Biscayne Park, Florida..."directing the Village Attorney to receive from the Clerk a report on three to five "Ethics Hot-line" related companies providing services to government; with back-ground information, analysis, cost and resulting documentation forwarded in advance to the full Commission, along with Village Attorney recommendation, one week prior to next full Commission meeting."

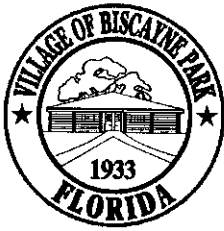
Also, please provide comment as to whether you think it should be placed on Consent Agenda, or regular Agenda, as a Resolution.

Last, John, if you feel a legal need to adjust my wording above (since it was mentioned you review all Resolutions), will you please email with any updates you think necessary?

Thanks,

Bryan Cooper





# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000

Fax: 305 891 7241

Date: March 28, 2011

To: Manager Ana Garcia

From: Commissioner Bob Anderson

**Re: Resolution 2011-19 - Biscayne Park Foundation Appointee**

## **Background Analysis:**

On March 10<sup>th</sup> 2011, Clerk Camara forwarded to all the Commission the resignation letter of BP Foundation Board Member Kate McGuinness. This has given us ample time to find a new appointee by the April regular commission meeting (section 4 under Bylaw II of the bylaws titled "VACANCIES" states vacancies occurring before the expiration of any term will be filled by the commission).

Knowing how important keeping our boards and committees fully staffed (and that only 5 responses for the 5 positions were submitted when the original board was appointed) I am proud to nominate Victor Romano to fill this vacancy. He is a professor at Barry University and has been a member of the Ecology Board but will be resigning that position. In addition he was a member of the Ad-Hoc Pathways committee. With his professional background and commitment to our Village I am confident he will be a great fit for the board.

## **Fiscal/Budgetary Impact:**

None

## **Recommendation:**

Approval of resolution 2011-19 ratifying the appointment of Victor Romano to the Biscayne Park Foundation.

1  
2  
3 **RESOLUTION NO. 2011-19**  
4

5 **A RESOLUTION OF THE VILLAGE**  
6 **COMMISSION OF THE VILLAGE OF**  
7 **BISCAYNE PARK, FLORIDA, RATIFYING**  
8 **THE APPOINTMENT OF VICTOR**  
9 **ROMANO TO THE BISCAYNE PARK**  
10 **FOUNDATION; PROVIDING FOR AN**  
11 **EFFECTIVE DATE**  
12  
13  
14

15 WHEREAS, on March 10, 2011, formal notification was received from Biscayne  
16 Park Foundation Board member Katherine McGuinness of her resignation from the board  
17 due to an illness in the family; and,  
18

19 WHEREAS, the Biscayne Park Foundation bylaws state that vacancies occurring  
20 before the expiration of any term will be filled by the Village Commission; and,  
21

22 WHEREAS, it is important to keep boards and committees fully staffed; and,  
23

24 WHEREAS Village resident Victor Romano, a professor at Barry University, has  
25 previously served on the Ecology Board and on the Pathways Committee, and has  
26 shown his commitment to the Village.  
27

28 NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION  
29 OF THE VILLAGE OF BISCAYNE PARK, FLORIDA:  
30

31 **Section 1.** The foregoing "WHEREAS" clauses are true and correct and  
32 hereby ratified and confirmed by the Village Commission.  
33

34 **Section 2.** That Victor Romano be appointed to the Biscayne Park  
35 Foundation to fill the vacancy left by former board member Katherine McGuinness.  
36

37 **Section 3.** This Resolution shall become effective upon adoption.

38 PASSED AND ADOPTED this \_\_\_\_\_ day of April, 2011.

39 **The foregoing resolution upon**  
40 **being put to a vote, the vote was**  
41 **as follows:**  
42

43 \_\_\_\_\_  
44 Roxanna Ross, Mayor  
45  
46  
47

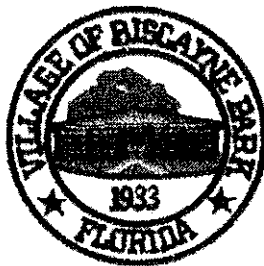
Mayor Ross : \_\_\_\_\_  
Vice Mayor Bernard: : \_\_\_\_\_  
Commissioner Anderson : \_\_\_\_\_  
Commission Childress: : \_\_\_\_\_  
Commissioner Cooper: : \_\_\_\_\_

1 Attest:

2  
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5  
6 \_\_\_\_\_  
7 Maria C. Camara, Village Clerk

8 Approved as to form:

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11  
12 \_\_\_\_\_  
13 John J. Hearn, Village Attorney



Date: 03/25/2011

To: Vice Mayor Steve Bernard  
Commissioner Bob Anderson  
Commissioner Al Childress  
Commissioner Bryan Cooper

cc: Manager Ana Garcia  
Attorney John Hearn  
Clerk Maria Camara

From: Mayor Roxanna Ross

Re: Recreation Advisory Board (RAB)

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**BACKGROUND AND ANALYSIS:**

In accordance with Sec. 2-30(B)(1), Code of Ordinances of the Village of Biscayne Park, each board of the Village will consist of five members, and the Village Commission may appoint alternates for any of committee as it deems necessary.

I had the opportunity to meet a qualified and enthusiastic candidate to serve on the RAB at our recent outdoor movie night, Caitlin Spurr. Ms. Spurr is a teacher with a Masters Degree in Educational Psychology. She recently developed an intensive mathematics curriculum for three grades, instructed special needs students and helped develop a plan to improve school ratings for Florida International Academy in Opa Locka. Ms. Spurr and her fiancé look forward to raising a family and developing roots in our community. Her resume is attached for reference.

The RAB was unable to meet quorum for its meeting last month, presently has only 5 regular members and no alternates serving, and there is in need of greater support on the Board.

**FISCAL/BUDGETARY IMPACT:**

None.

**RECOMMENDATION:**

I recommend approval of the attached Resolution 2011-20 ratifying this appointment to the Recreation Advisory Board.

# CAITLIN H. SPURR

6450 Collins Ave. #707 Miami Beach, FL 33141 • (303) 641-0388 • csameglio@gmail.com

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## TEACHER/EDUCATOR

Seeking to teach in an environment where a Masters degree in Educational Psychology is a highly desired qualification. I am extremely self motivated and have exceptional analytical skills that along with my detail orientated nature allows me to work effectively with students of all academic abilities.

I have strong computer skills that allow for an effective use of technology in and out of the classroom. I can create a classroom in which technology is a well integrated part of the educational experience that enhances optimal learning. By setting guidelines, and going the extra mile, technology can be a tool that inspires, differentiates, teaches, excites, and motivates students.

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## EDUCATION

### University of Colorado at Denver, Denver, CO

**Bachelor of Arts degree in Psychology, Fall 2003 – Winter 2007; GPA 3.6**

Academic scholarship – Vice President of Student Government

I am a leader that understands the importance of cultivating an atmosphere that emphasizes working toward the common goals of a school.

**Initial Teacher Preparation Program Licensure, Summer 2008 – Spring 2009; GPA 3.9**

Internship at Vassar Elementary School in 1<sup>st</sup> and 5<sup>th</sup> grades

Entering my first year of teaching with the knowledge, skills, and confidence of 2nd and 3rd year teacher

**Masters degree in Educational Psychology, Spring 2009-Winter 2010; GPA 4.0**

Focus on Memory, Research, Cognition, Pedagogy, and Assessment

Focusing on developing transfer of material and memory and successful standardize testing skills

## RELEVANT EXPERIENCE

Florida International Academy, Opa Locka, FL : **Math Teacher**

7/10 – Present

### 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> Grade Intensive Mathematics.

- Developed curriculum from state benchmarks for three grades in intensive mathematics.
- Instructed special needs students in a charter school setting.
- Helped to develop school wide plan to improve school rating.

Vassar Elementary School, Aurora, CO: **Teacher Internship**

7/08 – 5/09

### 1<sup>st</sup> and 5<sup>th</sup> Grade

- Instructed gifted and talented students.
- Work closely with special education teacher to provide an integrated curriculum to a 5<sup>th</sup> grade classroom containing 14 children with special needs.
- Administered the Colorado State standardized test (CSAP) and other interim testing.
- Implemented a place based Science curriculum with the Large Hadron Collider, Ameri Towne, and the Water Cycle Mountain States Toyota: **Sales**

2007

### Sales Associate

- A top sales personal in the state working successfully with various types of individuals
- University of Colorado Denver: **Student Government**

2004-2006

### Vice President

- Managed an office of 25 people while developing student activities and representing the student voice.

*Leadership Committee | Special Education | Gifted and Talented | English Language Learners | Virtual Learning | Legislation | Management | Accounting | Assessment | Marketing | Public Speaking | Scuba Diving | Horseback Riding | Skiing | Dragon Boat Paddling | Swimming | Lacrosse | Yoga | Environmental Awareness*

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3 **RESOLUTION NO. 2011-20**  
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5 **RESOLUTION OF THE VILLAGE**  
6 **COMMISSION OF THE VILLAGE OF**  
7 **BISCAYNE PARK RATIFYING THE**  
8 **APPOINTMENT OF CAITLIN H. SPURR**  
9 **TO THE RECREATION ADVISORY**  
10 **BOARD; PROVIDING FOR AN**  
11 **EFFECTIVE DATE**  
12

13  
14 WHEREAS the Village of Biscayne Park has established certain advisory  
15 boards, each consisting of five members and alternates as deemed necessary, including  
16 the Recreation Advisory Board; and  
17

18 WHEREAS, the Recreation Advisory Board is comprised of five members, each  
19 appointed by a Commissioner, and no alternates currently serve; and  
20

21 WHEREAS, the Code provides that the Village Commission may appoint  
22 alternates for any board or committee as it deems necessary; and,  
23

24 WHEREAS, recreation and leisure activities enhance our community and life  
25 experience in the Village; and,  
26

27 WHEREAS, the Recreation Advisory Board has not met quorum, and is in need  
28 of greater support.  
29

30  
31 NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION  
32 OF THE VILLAGE OF BISCAYNE PARK, FLORIDA  
33  
34

35 **Section 1.** The foregoing "WHEREAS" clauses are true and correct and  
36 hereby ratified and confirmed by the Village Commission.  
37

38 **Section 2.** That Caitlyn H. Spurr be appointed to the Recreation Advisory  
39 Board.  
40

41 **Section 3.** This Resolution shall become effective upon adoption.  
42

43 PASSED AND ADOPTED this \_\_\_\_\_ day of April, 2011.  
44

45 **The foregoing resolution upon**  
46 **being put to a vote, the vote was**  
47 **as follows:**  
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\_\_\_\_\_  
Roxanna Ross, Mayor

Attest:

\_\_\_\_\_  
Maria C. Camara, Village Clerk

Approved as to form:

\_\_\_\_\_  
John J. Hearn, Village Attorney

Mayor Ross : \_\_\_\_\_  
Vice Mayor Bernard:: \_\_\_\_\_  
Commissioner Anderson : \_\_\_\_\_  
Commission Childress: : \_\_\_\_\_  
Commissioner Cooper: : \_\_\_\_\_



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000  
Fax: 305 891 7241

Date: March 27, 2011

To: Manager Ana Garcia

From: Commissioner Bob Anderson

**Re: April Agenda Request: Resolution 2011-13 Establishing a Consent Agenda**

## **Background Analysis:**

In a Manager form of government such as the one we the people of Biscayne Park adopted in 2006, our Manager manages the day to day operation of our Village. In that capacity the Manager has many responsibilities, with one of the most important being managing our personnel and our budget. Another is to prepare the Commission meeting agenda along with our Village Clerk. The Village Attorney also reviews the agenda for legal sufficiency which includes preparing Ordinances, preparing and/or reviewing resolutions, and works with Manager and Clerk to ensure items have all the necessary documents and information.

Our Manager has introduced a format where a background of each item on the agenda is thoroughly explained. Also included is a section for budgetary impact and a recommendation of the item. This background as well as detailed backup documents further strengthen and explain the item presented.

The agenda, with all of the background memos and backup documentation is distributed on Thursday afternoon, five days prior to the actual meeting, allowing any Commissioner who wishes to contact and or meet with the Manager to do so if further explanation and or inquiry is needed prior to the meeting. This complete agenda is also available on the website for all residents to view.

The consent agenda portion of the agenda allows for the adoption of resolutions and other administrative routine items to be voted on by the Commission. It is also an opportunity to expedite the meeting so we have more time to analyze and discuss more complicated issues such as ordinances, and to allow more time for resident and committee comments and when appropriate, presentations that help our residents gain needed information. The consent agenda process is used by all municipalities large and small to move the meeting so everything and everyone can be heard. If an item can be put on the consent agenda it is recommended for time is money, and an example of this is attorney fees. A meeting that should take two hours is taking four or more hours such as our last meeting. An additional two and a half hours is equivalent to over \$400.00 in attorney's fees. Non exempt employees such as our Public Works Administrative Assistant has to be given time off as overtime is no longer paid for meetings. This time off affects the department, a department who is short staffed to begin with. The consent agenda is a tool we should be maximizing not minimizing. The consent agenda saves the Village of Biscayne Park time and money. It is also important to know that any Commissioner who wishes to pull an item from consent can do so.

Included you will find several examples of consent agendas from different cities. It is evident that there is nothing out of the ordinary in regards to our consent agenda. The only problem that exists is that items that should not be pulled are being pulled and our meetings linger and productivity and efficiency is not achieved, and furthermore, it prevents the entire agenda from being heard, and it continues to cost the Village money.



I urge each Commissioner to find the time to meet with the Manager, and understand that our responsibility as elected officials goes beyond what we do in front of the camera in Commission meetings.

**Fiscal/Budgetary Impact:**

None

**Recommendation:**

Approve resolution 2011-13.

**village clerk**

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**From:** attyhearn@aol.com  
**Sent:** Wednesday, March 30, 2011 5:16 PM  
**To:** vobparchives@biscayneparkfl.gov  
**Cc:** villagemanager@biscayneparkfl.gov; villageclerk@biscayneparkfl.gov; eboutsis@ngf-law.com  
**Subject:** Consent Agendas

At the March, 2011 Commission meeting, the issue of consent agendas and the determination of what items should be placed on consent agendas was discussed. The Village of Biscayne Park is a Commission-Manager form of government. As with almost all Commission-Manager forms of government, the Manager is responsible for (with assistance from the Clerk) creating agendas for Commission meetings. The decision of what items should be placed on the consent agenda is made by the Manager in this form of government. Managers decide what to place on the agenda based on their best guess as to what the Commission will consider routine and non-controversial. Prior to the Village becoming a Commission-Manager form of government, the consent agenda was the responsibility of the Mayor, consistent with Resolution 2005-20. Upon the Charter change establishing a Commission-Manager form of government, this duty automatically became that of the Manager.

From a legal point of view, the items that would not be allowed on consent agenda are those that by law require a public hearing. Otherwise, the Manager is free to interpret her best estimation of what matters are appropriate on the consent agenda. There are no violations of anyone's rights as a commissioner who disagrees with an item being placed on the consent agenda has the absolute right to pull any item without objection or discussion.

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3 **RESOLUTION NO. 2011-13**  
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5 **A RESOLUTION OF THE VILLAGE**  
6 **COMMISSION OF THE VILLAGE OF**  
7 **BISCAYNE PARK, FLORIDA,**  
8 **ESTABLISHING A CONSENT AGENDA**  
9 **AND PROCEDURES FOR SAME;**  
10 **PROVIDING FOR AN EFFECTIVE DATE**  
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12  
13  
14 WHEREAS, in order to promote the efficient running of Village Commission  
15 meetings and agenda, the Village Commission finds it to be in the best interests of the  
16 citizenry to establish a consent agenda; now, therefore  
17

18 BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE  
19 OF BISCAYNE PARK, FLORIDA:  
20

21 **Section 1.** The foregoing "WHEREAS" clauses are true and correct and  
22 hereby ratified and confirmed by the Village Commission

23 **Section 2.** That the Village Clerk shall establish a consent agenda for the  
24 adoption of resolutions and other items of routine and operational business upon the  
25 advice, direction and recommendation of the Village Manager. All items appearing on  
26 the consent agenda may be adopted in a roll call vote by the affirmative vote of a  
27 quorum of the Commission members present, unless an item is first pulled from the  
28 agenda. Each Commission member and the Mayor are entitled to remove an item(s)  
29 from the consent agenda before the vote on the consent agenda. All items pulled from  
30 the consent agenda shall be considered separately following the approval of the consent  
31 agenda.

32 **Section 3.** This Resolution shall become effective upon adoption.

33 PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

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**The foregoing resolution upon  
being put to a vote, the vote was  
as follows:**

\_\_\_\_\_  
Roxanna Ross, Mayor

Attest:

\_\_\_\_\_  
Maria C. Camara, Village Clerk

Approved as to form:

\_\_\_\_\_  
John J. Hearn, Village Attorney

Mayor Ross : \_\_\_\_\_  
Vice Mayor Bernard: : \_\_\_\_\_  
Commissioner Anderson : \_\_\_\_\_  
Commission Childress: : \_\_\_\_\_  
Commissioner Cooper: : \_\_\_\_\_

City Commission  
Susan Gottlieb, Mayor

Zev Auerbach  
Bob Diamond  
Teri Holzberg  
Billy Joel  
Michael Stern  
Luz Urbáez Weinberg



City Manager  
Eric M. Soroka, ICMA-CM

City Clerk  
Teresa M. Soroka, MMC

City Attorney  
Weiss Serota Helfman  
Pastoriza Cole & Boniske

**MARCH 1, 2011 6 p.m.**

Government Center  
19200 West Country Club Drive  
Aventura, Florida 33180

1. **CALL TO ORDER/ROLL CALL**
2. **PLEDGE OF ALLEGIANCE.**
3. **AGENDA:** Request for Deletions/Emergency Additions
4. **SPECIAL PRESENTATIONS:** None.
5. **CONSENT AGENDA:** Matters included under the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and considered separately.
  - A. **APPROVAL OF MINUTES:**  
February 1, 2011 Commission Meeting  
February 17, 2011 Special Meeting
  - B. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED TRAFFIC CONTROL JURISDICTION AGREEMENT BETWEEN MYSTIC POINTE MASTER ASSOCIATION AND THE CITY OF AVENTURA; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**
  - C. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED MUTUAL AID AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE CITY OF SUNNY ISLES BEACH FOR LAW ENFORCEMENT ACTIVITIES; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**
  - D. **A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA DECLARING CERTAIN PROPERTY LISTED**

**UNDER THE ASSETS OF THE CITY AS SURPLUS TO THE NEEDS OF THE CITY; DESCRIBING THE MANNER OF DISPOSAL; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**

- E. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED TRAFFIC CONTROL JURISDICTION AGREEMENT BETWEEN NORTH TOWER AT THE POINT CONDOMINIUM ASSOCIATION AND THE CITY OF AVENTURA; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**
- F. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AWARDED AND LETTING A BID/CONTRACT FOR BID NO. 11-02-14-2, NE 29 AVENUE, NE 187 ST AND NE 34 AVENUE MILLING AND RESURFACING IMPROVEMENTS, TO H&R PAVING, INC. AT THE BID PRICE OF \$247,229; AUTHORIZING THE CITY MANAGER TO EXECUTE ASSOCIATED CONTRACTS; AUTHORIZING THE CITY MANAGER TO TAKE NECESSARY AND EXPEDIENT ACTION TO CARRY OUT THE AIMS OF THIS RESOLUTION; PROVIDING FOR THE APPROPRIATION AND ALLOCATION OF FUNDS FOR SAID BID AWARD; AND PROVIDING FOR AN EFFECTIVE DATE.**
- G. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA AUTHORIZING THE CITY MANAGER TO EXECUTE THE ATTACHED TRAFFIC CONTROL JURISDICTION AGREEMENT BETWEEN AVENTURA LAKES ASSOCIATION AND THE CITY OF AVENTURA; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING AN EFFECTIVE DATE.**
- H. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED MUTUAL AID AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE TOWN OF SURFSIDE FOR LAW ENFORCEMENT ACTIVITIES; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**
- I. A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AVENTURA, FLORIDA, AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY TO EXECUTE AND OTHERWISE ENTER INTO THE ATTACHED MUTUAL AID AGREEMENT BETWEEN THE CITY OF AVENTURA AND THE CITY OF NORTH MIAMI**

**BEACH FOR LAW ENFORCEMENT ACTIVITIES; AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO CARRY OUT THE AIMS OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**J. MOTION TO APPROVE PRESENTATION OF KEY TO THE CITY TO JUDY DRUCKER**

**6. ZONING HEARINGS:** None.

**7. ORDINANCES: FIRST READING--PUBLIC INPUT:**

**AN ORDINANCE OF THE CITY OF AVENTURA, FLORIDA, AMENDING PROVISIONS OF THE POLICE OFFICERS' RETIREMENT PLAN TO COMPLY WITH THE INTERNAL REVENUE CODE; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.**

**8. ORDINANCES: SECOND READING/PUBLIC HEARING:** None.

**9. RESOLUTIONS – PUBLIC HEARING:** None.

**10. REPORTS**

**11. PUBLIC COMMENTS**

**12. OTHER BUSINESS:** None.

**13. ADJOURNMENT**

**SCHEDULE OF FUTURE MEETINGS/EVENTS**

**WORKSHOP MEETING    MARCH 24, 2011    9AM    5<sup>TH</sup> FLR.EX.CONF.ROOM**

**COMMISSION MEETING    APRIL 5, 2011    6PM    COMMISSION CHAMBER**

This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Office of the City Clerk, 305-466-8901, not later than two days prior to such proceeding. One or more members of the City of Aventura Advisory Boards may be in attendance and may participate at the meeting. Anyone wishing to appeal any decision made by the Aventura City Commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Agenda items may be viewed at the Office of the City Clerk, City of Aventura Government Center, 19200 W Country Club Drive, Aventura, Florida, 33180. Anyone wishing to obtain a copy of any agenda item should contact the City Clerk at 305-466-8901.

**AGENDA**  
**North Miami City Council**  
776 N.E. 125<sup>th</sup> Street, 2<sup>nd</sup> Floor, Council Chambers  
North Miami, FL 33161

REGULAR MEETING

TUESDAY, MARCH 8, 2011  
7:00 P.M.

**1. CALL TO ORDER / ROLL CALL OF MEMBERS**

**2. PLEDGE OF ALLEGIANCE / INVOCATION**

**3. ORDER OF BUSINESS** (Additions/Deletions/Amendments/Deferrals)

**4. SPECIAL PRESENTATION(s)**

- ◆ Proclamation in honor of *National Nutrition Month (ACHIEVE Program)*
- ◆ Proclamation in honor of *Women's History Month*
- ◆ Proclamation in honor of *Purchasing Month*
- ◆ Proclamation in honor of *Problem Gambling Awareness Week*
- ◆ Proclamation in honor of *Youth Art Month*
- ◆ Proclamation in honor of *MOCA's 15<sup>th</sup> Year Anniversary*
- ◆ Presentation by *Florida Green Building Coalition (FGBG)* designating the City of North Miami as a "Green Local Government"

**5. CITY EVENTS – ANNOUNCEMENT**

**6. CONSENT AGENDA**

*UNLESS A MEMBER OF THE CITY COUNCIL WISHES TO REMOVE A SPECIFIC ITEM FROM THIS PORTION OF THE AGENDA, TABS A THROUGH H CONSTITUTE THE CONSENT AGENDA. THESE RESOLUTIONS AND ITEMS ARE SELF-EXPLANATORY AND ARE NOT EXPECTED TO REQUIRE ADDITIONAL REVIEW OR DISCUSSION. EACH ITEM WILL BE RECORDED AS INDIVIDUALLY NUMBERED RESOLUTIONS, ADOPTED UNANIMOUSLY BY THE FOLLOWING MOTION:*

*"...THAT THE CONSENT AGENDA COMPRISED OF TABS A THROUGH H BE ADOPTED..."*

**[TAB A]**



APPROVAL OF MINUTES – Regular Council Meeting – February 22, 2011

*Sponsored by: Jacqie Vieira, Acting City Clerk*

**[TAB B]**

PROPOSED RESOLUTION AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

*Sponsored by: City Administration*

*Responsible Staff Person: Miguel Seco, Governmental Affairs Manager*

**[TAB C]**

PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND R.J. BEHAR & COMPANY, INC., FOR ADDITIONAL SERVICES RELATED TO THE BRICK PAVERS REPLACEMENT PROJECT IN ACCORDANCE WITH REQUEST FOR QUALIFICATIONS #45-09-10, CONSTRUCTION ENGINEERING AND INSPECTION (CE&I) REPLACEMENT OF DOWNTOWN NORTH MIAMI BRICK PAVERS – ARRA

*Sponsored by: City Administration*

*Responsible Staff Person: Ruby Crenshaw-Johnson, Purchasing Director*

**[TAB D]**

AUTHORIZATION TO ISSUE A CHANGE ORDER IN THE AMOUNT OF \$44,310.94 TO AMEND THE EXISTING CONTRACT FOR CONSTRUCTION AND ENGINEERING SERVICES FOR THE 125<sup>TH</sup> STREET PAVER PROJECT

*Sponsored by: City Administration*

*Responsible Staff Person: Ruby Crenshaw-Johnson, Purchasing Director*

**[TAB E]**

PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER AND THE CITY ATTORNEY TO NEGOTIATE AND EXECUTE AN AGREEMENT BETWEEN THE CITY AND FLORIDA HOUSING FINANCE CORPORATION FOR THE PROVISION OF HARDEST HIT FUND (HHF) ADVISOR SERVICES FOR THE HARDEST HIT FUND UNEMPLOYMENT MORTGAGE ASSISTANCE PROGRAM (UMAP) AND MORTGAGE LOAN REINSTATEMENT PROGRAM (MLRP)

*Sponsored by: City Administration*

*Responsible Staff Person: Maxine Calloway, CP&D Director*

**[TAB F]**

PROPOSED RESOLUTION AUTHORIZING THE CITY ADMINISTRATION TO EXCEED THE MAXIMUM CAP OF FIFTY THOUSAND DOLLARS AND NO CENTS (\$50,000.00) FOR HOUSING REHABILITATION ASSISTANCE APPROVED UNDER THE CITY'S 2010-2015 CONSOLIDATED PLAN IN ORDER TO PROVIDE ADDITIONAL EMERGENCY ASSISTANCE FOR ONE SINGLE-FAMILY REHABILITATION PROJECTS WITH UNFORESEEN CODE ISSUES THAT IMPACT SAFETY AND QUALITY OF LIFE

*Sponsored by: City Administration*

*Responsible Staff Person: Maxine Calloway, CP&D Director*

**[TAB G]**

PROPOSED RESOLUTION AUTHORIZING CITY ADMINISTRATION TO TAKE ALL NECESSARY

*City of North Miami Council Agenda – Regular Meeting*

*Page 2*

*March 8, 2011*

ACTION TO COMPILE A REPORT FOR SUBMISSION TO THE MIAMI-DADE COUNTY COMMISSION FOR THE INITIATION OF A PROPOSED BOUNDARY CHANGE TO INCORPORATE INTO THE CITY THE AREA INCLUDING THE EAST SIDE OF THE BISCAYNE CANAL TO THE WEST SIDE OF N.E. 4<sup>TH</sup> AVENUE, FROM N.E. 131<sup>ST</sup> STREET NORTH TO N.E. 135<sup>TH</sup> STREET

*Sponsored by: City Administration*

*Responsible Staff Person: Maxine Calloway, CP&D Director*

## **[TAB H]**

PROPOSED RESOLUTION OPPOSING PROPOSED FUNDING CUTS TO COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM

*Sponsored by: Mayor and City Council*

## **7. PUBLIC HEARINGS – ORDINANCES, RESOLUTIONS, ZONING, LAND USE ITEMS, ETC.**

### **7.A. QUASI-JUDICIAL ITEMS -- [NONE]**

*NOTE: Quasi-Judicial items will usually be Approve/Deny/Approve with Conditions.)*

*QUASI-JUDICIAL PUBLIC HEARINGS: PLEASE BE ADVISED THAT THE FOLLOWING ITEMS ON THE AGENDA ARE QUASI-JUDICIAL IN NATURE. IF YOU WISH TO COMMENT UPON ANY OF THESE ITEMS, PLEASE INDICATE THE TAB NUMBER YOU WOULD LIKE TO ADDRESS WHEN THE ANNOUNCEMENT REGARDING THE QUASI-JUDICIAL ITEM IS MADE. AN OPPORTUNITY FOR PERSONS TO SPEAK ON EACH ITEM WILL BE MADE AVAILABLE AFTER THE APPLICANT AND STAFF HAS MADE THEIR PRESENTATIONS ON EACH ITEM.*

*SWEARING IN: ALL TESTIMONY, INCLUDING PUBLIC TESTIMONY AND EVIDENCE, WILL BE MADE UNDER OATH OR AFFIRMATION. ADDITIONALLY, EACH PERSON WHO GIVES TESTIMONY MAY BE SUBJECT TO CROSS-EXAMINATION. IF YOU DO NOT WISH TO BE EITHER CROSS-EXAMINED OR SWORN, YOUR TESTIMONY WILL BE GIVEN ITS DUE WEIGHT. THE GENERAL PUBLIC WILL NOT BE PERMITTED TO CROSS-EXAMINE WITNESSES, BUT THE PUBLIC MAY REQUEST THE COUNCIL TO ASK QUESTIONS OF STAFF OR WITNESSES ON THEIR BEHALF. THE FULL AGENDA PACKET ON EACH ITEM IS HEREBY ENTERED INTO THE RECORD. PERSONS REPRESENTING ORGANIZATIONS MUST PRESENT EVIDENCE OF THEIR AUTHORITY TO SPEAK FOR THE ORGANIZATION. FURTHER DETAILS OF THE QUASI-JUDICIAL PROCEDURES MAY BE OBTAINED FROM THE CLERK. (IN ACCORDANCE WITH CODE SECTIONS 2-291 AND 2-305, ANY LOBBYISTS MUST REGISTER BEFORE ADDRESSING THE COUNCIL ON ANY OF THE FOLLOWING ITEMS). AT THIS TIME COUNCIL MEMBERS MUST DISCLOSE ANY EX-PARTE COMMUNICATIONS CONCERNING ANY ITEMS ON THE AGENDA. AT THIS TIME THE CLERK WILL SWEAR IN ANY PERSON WHO WISHES TO TESTIFY ON ANY QUASI-JUDICIAL ITEM.*

### **7.B. LEGISLATIVE MATTERS**

#### **7.B.1. ORDINANCES – SECOND READING AND PUBLIC HEARING**

## **[TAB I]**

PROPOSED ORDINANCE (***SECOND READING***) ESTABLISHING AN ADDITIONAL HOMESTEAD EXEMPTION OF FIFTY THOUSAND DOLLARS (\$50,000.00) APPLICABLE TO THE AD VALOREM TAX FOR QUALIFIED PERSONS SIXTY FIVE AND OLDER, PURSUANT TO ARTICLE VII, SECTION 6(D), FLORIDA CONSTITUTION AND SECTION 196.075, FLORIDA STATUTES, TO BE LEVIED IN ACCORDANCE WITH SECTION 29-8, MIAMI-DADE COUNTY CODE OF ORDINANCES, AS AMENDED FROM TIME TO TIME; AND FURTHER PROVIDING THAT A COPY OF THIS ORDINANCE BE FILED WITH MIAMI-DADE COUNTY PROPERTY APPRAISER, AS PROVIDED BY LAW

*Sponsored by: Councilman Scott Galvin*

*City of North Miami Council Agenda – Regular Meeting*

*Page 3*

*March 8, 2011*

**[TAB J]**

PROPOSED ORDINANCE (*SECOND READING*) AMENDING SECTION 6-114 “SIGNS” OF CHAPTER 6 OF THE CODE OF ORDINANCES, ENTITLED “ELECTIONS”; RELATING TO THE PERMITTED LOCATIONS OF POLITICAL SIGNS; ESTABLISHING THE TIME PERIOD FOR THE PLACEMENT OF POLITICAL CAMPAIGN SIGNS AND PENALTIES; AND PROVIDING FOR A PENALTY FOR UNAUTHORIZED REMOVAL OF POLITICAL SIGNS

*Sponsored by: Vice-Mayor Michael Blynn*

**7.B.2. ORDINANCES – FIRST READING -- [NONE]**

**7.B.3. RESOLUTIONS**

**[TAB K]**

PROPOSED RESOLUTION AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO IMPLEMENT THE EXPANSION OF THE MUSEUM OF CONTEMPORARY ART (MOCA) THROUGH AN ARCHITECTURAL AND ENGINEERING AGREEMENT WITH GWATHMEY SIEGEL & ASSOCIATES ARCHITECTS, LLC

*Sponsored by: City Administration*

*Responsible Staff Person: Ruby Crenshaw-Johnson, Purchasing Director*

**[TAB L]**

AUTHORIZATION TO ISSUE A PURCHASE ORDER IN THE AMOUNT OF \$1,152,000 TO GWATHMEY SIEGEL & ASSOCIATES ARCHITECTS, LLC FOR THE ARCHITECTURAL & ENGINEERING SERVICES FOR THE MOCA EXPANSION AND RENOVATION

*Sponsored by: City Administration*

*Responsible Staff Person: Ruby Crenshaw-Johnson, Purchasing Director*

**8. REQUESTS – PETITIONS – COMMUNICATIONS**

**[TAB M]**

REQUEST TO CONSIDER THE BISCAYNE LANDING NON-BINDING SUMMARY OF PROPOSED TERMS OF SETTLEMENT AND COOPERATION AGREEMENT – PETER B. HOELZLE, TRIMONT ASSET MANAGEMENT

**9. CITIZENS’ FORUM**

**10. COUNCIL REPORTS**

Mayor Andre D. Pierre, Esq.

Vice-Mayor Michael R. Blynn, Esq.

Councilman Scott Galvin

Councilman Jean R. Marcellus

Councilwoman Marie Erlande Steril

**11. CITY CLERK’S REPORT**

## 12. CITY ATTORNEY'S REPORT

## 13. CITY MANAGER'S REPORT

## 14. ADJOURNMENT

- THIS MEETING IS OPEN TO THE PUBLIC. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS MEETING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE CITY CLERK, (305) 893-6511, Ext. 12142, NO LATER THAN FOUR DAYS PRIOR TO SUCH PROCEEDING. HEARING IMPAIRED MAY CONTACT THE TDD LINE AT (305) 893-7936.
- IN ACCORDANCE WITH THE PROVISIONS OF SECTION 286.0105, FLORIDA STATUTES, ANYONE WISHING TO APPEAL ANY DECISION MADE BY THE CITY OF NORTH MIAMI CITY COUNCIL, WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, INCLUDING THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.
- AGENDA ITEMS MAY BE VIEWED AT THE OFFICE OF THE CITY CLERK, CITY OF NORTH MIAMI, 776 N.E. 125<sup>TH</sup> STREET, NORTH MIAMI, FL 33161. ANYONE WISHING TO OBTAIN A COPY OF ANY AGENDA ITEM SHOULD CONTACT THE CITY CLERK AT (305) 893-6511.
- IN ACCORDANCE WITH CODE SECTIONS 2-291 AND 2-305, ANY LOBBYISTS MUST REGISTER WITH THE CITY CLERK'S OFFICE BEFORE ADDRESSING THE COUNCIL ON ANY OF THE ABOVE ITEMS.
- TWO OR MORE MEMBERS OF THE CITY COUNCIL AND OTHER CITY BOARDS MAY BE IN ATTENDANCE AT THIS MEETING.
- THESE MEETINGS MAY BE CONDUCTED BY MEANS OF OR IN CONJUNCTION WITH COMMUNICATIONS MEDIA TECHNOLOGY, SPECIFICALLY A TELEPHONE CONFERENCE CALL. THE LOCATION, 776 N.E. 125<sup>TH</sup> STREET, NORTH MIAMI, FL 33161-0850, WHICH IS OPEN TO THE PUBLIC, SHALL SERVE AS AN ACCESS POINT.

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### ALCOHOLIC BEVERAGE SYMBOLS

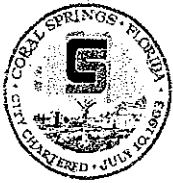
- 1-COP Beer only, Consumption on Premises
- 2-COP Beer and Wine, Consumption on Premises
- 4-COP Beer, Wine and Alcohol, Consumption on Premises
- 1-APS Beer, Package Sales Only
- 2-APS Beer and Wine, Package Sales Only
- 3-APS Beer, Wine and Alcohol, Package Sales Only

### ZONING SYMBOLS

- R-1 Residential Estate District
- R-2 Single-Family District
- R-4 Multi-Family District
- R-5 Multi-Family District
- R-6 Multi-Family District
- RO Residential Office District

### ZONING SYMBOLS (continue)

- C-1 Commercial District
- C-3 Commercial District
- C-2BE Commercial District
- C-2BW Commercial District
- M-1 Industrial District
- PU Public Use District
- PD Planned Development District
- AOD Arts, Culture and Design Overlay District
- NRO Neighborhood Redevelopment District



# CITY OF CORAL SPRINGS, FLORIDA

## CITY COMMISSION MEETING

### AGENDA

Tuesday, January, 18, 2011  
6:30 PM

City Hall  
9551 West Sample Road

#### Call to Order

#### Invocation

Rabbi Mark Gross  
Temple Beth Orr

#### Pledge of Allegiance

Brandon Abzug, 5th Grader  
Country Hills Elementary

#### 1. Recognitions/Proclamations/Presentations:

##### a. Recognition, 2010 Holiday Parade:

Request that the City Commission recognize the Holiday Parade Committee, sponsors, and award winners.

#### 2. Public Hearings/Announcements of Special Meetings & Workshops:

#### 3. Consent:

##### a. Con - Customer Involved Government:

##### 1. Minutes Approval

a. Tuesday, January 04, 2011

##### 2. Furnish/Install Curbing and Sidewalks:

Request to renew the contract for furnishing/installing curbing and sidewalks, bid #07-B-028F, to **ARZ Builders, Inc.**, Boca Raton, Florida, beginning 2/1/11 thru 1/31/13 and authorize the Mayor to execute the contract amendment as drafted by the City Attorney's Office. The estimated annual expenditure is \$70,000.00. (REQUEST TO RENEW, AUTHORIZE)

**3. Vehicle Emergency Lighting and Equipment Contract Renewal:**

Request to renew contract for vehicle emergency lighting and equipment accessories, supplies and replacement parts via utilization of the Hillsborough County Bid #22-08 to **Law Enforcement Supply** of Tampa, Florida; **Dana Safety Supply** of Tampa, Florida; and **Emergency Vehicle Supply** of Coconut Creek, Florida, from date of award through January 11, 2012. This is the second of three (3) one year contract renewals. The estimated annual expenditure is \$175,000.00. (REQUEST TO RENEW) **CIP**

**4. Forfeiture Funds:**

Request that the City Commission authorize the use of \$117,570.50 in law enforcement trust funds for various forfeiture purchases. All amounts and accounts are listed in the background information. (REQUEST TO AUTHORIZE)

**5. Resolution #2011-009:**

Request to approve Resolution #2011-009, a resolution of the City Commission of the City of Coral Springs, Florida, setting forth legislative findings that utilization of the Coral Springs Student Outreach Project serves a municipal purpose. (REQUEST TO APPROVE)

**c. Con - Financial Health & Economic Development:****1. Invoices for Legal Services, Goren:**

Request to approve payment of invoices submitted by the law firm of Goren, Cherof, Doody and Ezrol, P.A., for legal services provided during the period of December 2010 in the amount of \$11,493.50. (REQUEST TO APPROVE)

**2. Interlocal Agreement Between City and Lori Parrish, Broward County Property Appraiser, for Services to Provide Property Owners with First Class Notice, and Create & Maintain Non-Ad Valorem Tax Roll for Special Assessments for Fire Services:**

Request that the City Commission approve the new agreement and authorize the City Manager to execute. The City Commission authorized the existing agreement on December 18, 2007. (REQUEST TO APPROVE, AUTHORIZE)

**3. Interlocal Agreement Between City and Lori Parrish, Broward County Property Appraiser, for Services to Provide Property Owners with First Class Notice, and Create & Maintain Non-Ad Valorem Tax Roll for Special Assessments for Residential Solid Waste Services:**

Request that the City Commission approve the new agreement and authorize the City Manager to execute. The City Commission authorized the existing agreement on December 18, 2007. (REQUEST TO APPROVE, AUTHORIZE)

**4. Emergency Operations Center Grant Agreement:**

Request to accept a grant award and authorize the appropriate City official to execute the agreement for \$550,000.00 in grant funds from the Department of Homeland Security, Federal Emergency Management Agency (FEMA), for the purchase and installation of equipment for the Emergency Operations Center. (REQUEST TO ACCEPT, AUTHORIZE) **CIP**

**5. Aftermarket Automotive Parts:**

Request to renew the award for furnishing/delivering aftermarket automotive parts, RFP #05-E-020, to **Bennett Auto Supply** retroactive from January 5, 2011 through January 2, 2014. The estimated annual expenditure is \$105,000.00. (REQUEST TO RENEW)

**6. Resolution 2011-008, City Plaza Plat:**

Request to approve Resolution 2011-008 regarding the installation or required improvements for the City Plaza Plat. It is also requested that the City Commission authorize the appropriate City officials to execute the revised interlocal agreement between the City, Broward County, the Coral Springs Community Redevelopment Agency, and the Sunshine Water Control District, relative to City Plaza Plat. (REQUEST TO APPROVE, AUTHORIZE)

**d. Con - Neighborhood & Environmental Sustainability:****1. Sunshine Water Control District Interlocal Agreement:**

Request to approve Interlocal Agreement between the Sunshine Water Control District and the City of Coral Springs for Cooperative Use of the City's Facilities for Storm Debris Disposal. (REQUEST TO APPROVE)

**2. Second Amendment, Memorandum of Understanding Between Broward County and the City of Coral Springs:**

Request of Broward County to approve the second amendment to the Memorandum of Understanding between Broward County and the City of Coral Springs for the administration and disbursement of 2007/2008 HOME funds in the amount of \$305,146.00 for a one-year extension. (REQUEST TO APPROVE)

**3. Second Amendment, 2005 Community Development Block Grant (CDBG) Disaster Recovery Initiative Supplemental Funds:**

Request of Broward County to approve the second amendment to the agreement between Broward County and the City of Coral Springs for the 2005 Community Development Block Grant (CDBG) Disaster Recovery Initiative Supplemental Funds for Service Area #3 - Home Repair (\$430,298.44) to extend the deadline to expend funds. (REQUEST TO APPROVE)  
**CDBG**

**4. Resolution #2011-004:**

Request to adopt Resolution #2011-004 authorizing the City Attorney's Office to prepare a Quit Claim Deed and Convey Fee Simple Title of the subject property (Parcel "D", La Placida Villas/Folio 48-41-17-09-0740) to La Placida Homeowners Association Inc., and authorize the appropriate City officials to execute required documents. It is also requested that the City Commission authorize staff to undertake the necessary action to complete the conveyance of the property and authorize the appropriate City officials to execute required documents. (REQUEST TO ADOPT, AUTHORIZE)

**5. Resolution #2011-005:**

Request to adopt Resolution #2011-005 authorizing the City Attorney's Office to prepare a Quit Claim Deed and Convey Fee Simple Title of the subject property (Parcel "C", La Placida Villas/Folio 48-41-17-09-0730) to La Placida Homeowners Association Inc., and authorize the appropriate City officials to execute required documents. It is also requested that the City Commission authorize staff to undertake the necessary action to complete the conveyance of the property and authorize the appropriate City officials to execute required documents. (REQUEST TO ADOPT, AUTHORIZE)

**6. Resolution #2011-006:**

Request to adopt Resolution #2011-006 authorizing the City Attorney's Office to prepare a Quit Claim Deed and Convey Fee Simple Title of the subject property (Tract C, Butler Farms Section Two/Folio 48-41-12-03-5490) to Butler Farms Homeowners Association Inc., and authorize the appropriate City officials to execute required documents. It is also requested that the City Commission authorize staff to undertake the necessary action to complete the conveyance of the property and authorize the appropriate City officials to execute required documents. (REQUEST TO ADOPT, AUTHORIZE)

**7. First Amendment Maintenance of Bus Shelters:**

Request to approve the First Amendment to the Agreement between Broward County and the City of Coral Springs for the provision and installation of bus shelters by the County, with maintenance provided by the City. It is also requested that the City Commission authorize the City Manager to execute the First Amendment and to approve and execute any future amendments to add or delete bus shelters. (REQUEST TO APPROVE, AUTHORIZE)

**e. Con - Strength in Diversity:****1. Unitown Interlocal Agreement with Lauderhill:**

Request that the City Commission approve the Interlocal Agreement with the City of Lauderhill for Unitown 2011 from February 19 to 21 and authorize the appropriate City officials to execute same. (REQUEST TO APPROVE, AUTHORIZE)

**4. Citizen's Requests:****✓5. Commissioners Communications:****6. Policy Formation and Direction:****✓a. Pol - Customer Involved Government:****1. Appointment, Youth and Family Committee:**

Request that the City Commission appoint Max Lashin to the Youth and Family Committee. (REQUEST TO APPOINT)

**✓2. Award, Purchase of Vehicles:**

Request to award purchase of forty-eight (48) vehicles for various departments to various vendors as shown on the recommendation sheet via bid #11-C-033F, Florida State Contract #071-000-11-1 and Florida Sheriff's Association Bid #10-18-0907 in the amount of \$1,091,186.80. (REQUEST TO AWARD) *CIP*

**c. Pol - Financial Health & Economic Development:****1. Resolution #2011-007, Grant Application Authority:**

Request to approve Resolution #2011-007 which authorizes the City Manager to take necessary actions, including execution of required documents, to submit grant applications on behalf of the City of Coral Springs. (REQUEST TO APPROVE)



**d. Pol - Neighborhood & Environmental Sustainability:****1. Ordinance #2011-100 : Second Reading:**

Request to approve second reading of Ordinance #2011-100 extending the temporary moratorium imposed pursuant to Ordinance #2010-106, as extended by Ordinance #2010-114, on applications for commercial district(s) land use that includes on-site dispensing of prescription drugs or other controlled substances for an additional period not to exceed one hundred fifty (150) days. First reading was held on January 4, 2011. (REQUEST TO APPROVE)

**7. City Manager's Communication:****8. City Attorney's Communication:****a. Special Counsel Engagement Letter Agreement with Goren, Cherof, Doody and Ezrol, P.A.:**

Request to approve the Engagement Letter Agreement with Goren, Cherof, Doody and Ezrol, P.A. and to authorize the City Attorney to execute the Agreement. (REQUEST TO APPROVE, AUTHORIZE)

**Next Regular Meeting:** Tuesday, February 1, 2011, 6:30 p.m., City Commission Chambers.

If a person decides to appeal any decision made by the City Commission with respect to these matters, he or she must ensure that verbatim record of the proceedings is made. The record should include the testimony and evidence upon which the appeal is to be based.

Residents planning to attend the meeting who need special assistance must notify the City Clerk's Office at (954) 344-1065 no later than 24 hours preceding the meeting.

<b>BP:</b>	<b><i>Included in Business Plan</i></b>
<b>CIP:</b>	<b><i>Included in Capital Improvements Program</i></b>
<b>CDBG:</b>	<b><i>Included in Community Development Block Grant</i></b>
<b>CRA:</b>	<b><i>Project reviewed by Community Redevelopment Agency Board</i></b>
<b>CRC:</b>	<b><i>Project reviewed by Construction Review Committee</i></b>
<b>CSAB:</b>	<b><i>Project reviewed by Charter School Advisory Board</i></b>
<b>EDF:</b>	<b><i>Project reviewed by Economic Development Foundation</i></b>
<b>EECBG:</b>	<b><i>Energy Efficiency Conservation Block Grant</i></b>
<b>FAC:</b>	<b><i>Project reviewed by Financial Advisory Committee</i></b>
<b>GRN:</b>	<b><i>Green Initiative</i></b>
<b>NEC:</b>	<b><i>Project reviewed by Neighborhood and Environmental Committee</i></b>
<b>NSP:</b>	<b><i>Project reviewed by Neighborhood Stabilization Program</i></b>
<b>PAC:</b>	<b><i>Project reviewed by Public Art Committee</i></b>
<b>SC:</b>	<b><i>Project reviewed by Sports Commission</i></b>
<b>SP:</b>	<b><i>Included in Strategic Plan</i></b>
<b>UASI:</b>	<b><i>Urban Area Security Initiative</i></b>

**CITIZENS REQUESTS (MUNICIPAL CODE, SECTION 2-2):**

The City Commission of the City of Coral Springs, at each regularly scheduled meeting (first and third Tuesdays), shall entertain citizen requests. Any citizen desiring to address the City Commission must submit a written request to the City Clerk. Citizen requests will be held in the priority order in which they are received. Each request shall succinctly detail the matter to be brought before the City Commission; shall contain the address and phone number where the citizen can be reached if the need arises; and shall be dated and signed. Citizen requests are traditionally entertained at 7:30 p.m.

Items on the agenda which are not designed as Public Hearings must be discussed during the citizens requests period. *Waiver of rules.* By majority vote, the City Commission may invite citizen discussion on any agenda item and thereby waive the proscriptions otherwise outlined in this section.

*Decorum to be maintained.* In every case where a citizen is recognized by the Mayor to discuss an agenda item, he/she shall step to the podium, state his/her name and address for the benefit of the City Clerk, and identify any group or organization he/she represents. He/she shall then succinctly state his/her position regarding the item before the City Commission. Order shall be maintained at each City Commission meeting and the Mayor is hereby empowered to order from the room any citizen who refuses to comply with the rules and regulations outlined in this section. The Police Chief or his authorized agent in attendance at the meeting shall carry out the order of the Mayor in this regard.

*Time limit on discussion.* Subject to waiver rule contained within this section, public discussion by individual citizens shall be limited to three (3) minutes at the citizens request period.

\*\*\*\*\*

*City Commission meetings are aired on CityTV, Advanced Cable Channel 25 and AT&T U-Verse channel 99, at 6:30 p.m. To view the schedule for repeat airing of the Commission meeting, visit [www.coralssprings.org/TVschedule](http://www.coralssprings.org/TVschedule). Residents who do not have Advanced Cable or U-Verse can view the meeting through the Live Streaming Channel by visiting [www.coralssprings.org/live](http://www.coralssprings.org/live). Those who missed the meeting can visit [www.coralssprings.org/ondemand](http://www.coralssprings.org/ondemand) to view it through the On Demand Programming. Lastly, residents who have ipods or itunes can view a repeat of a meeting by visiting [www.coralssprings.org/podcast](http://www.coralssprings.org/podcast).*

*Agendas can be accessed by visiting [www.coralssprings.org/agendas](http://www.coralssprings.org/agendas).*

*If you would like to receive an emailed copy of a recognition photo, please email: [webmaster@coralssprings.org](mailto:webmaster@coralssprings.org).*

**CITY OF DORAL**  
**COUNCIL MEETING**  
**SUMMARY AGENDA**

**WEDNESDAY, DECEMBER 8<sup>TH</sup>, 2010 – 7:00 p.m.**  
CITY HALL COUNCIL CHAMBERS  
8300 N.W. 53<sup>RD</sup> STREET, SUITE 100  
DORAL, FL 33166

**1) Call to Order / Roll Call of Members**

**2) Pledge of Allegiance**

**3) Invocation**

**4) Agenda / Order of Business**

**5) Consent Agenda**

- A. A Resolution of the Mayor and the City Council of the City of Doral, Florida approving the Council Zoning Meeting Schedule for Calendar Year 2011; and Providing for an effective date **(Planning and Zoning)- Resolution #10-165**

**Motion to Approve** Councilman Cabrera  
**Votes:** Unanimous

**Second Vice Mayor DiPietro**  
**Motion:** ☒ Passes ☐ Fails

- B. A Resolution of the Mayor and the City Council of the City of Doral, Florida authorizing payment to RS Environmental Consulting, Inc. for additional services completed relating to the City of Doral Dog Park project in an amount not to exceed \$4,657.50; and Providing for an effective date **(Public Works) Resolution #10-166**

**Motion to Approve** Councilman Cabrera  
**Votes:** Unanimous

**Second Vice Mayor DiPietro**  
**Motion:** ☒ Passes ☐ Fails

- C. A Resolution of the Mayor and the City Council of the City of Doral, Florida authorizing the City Manager to negotiate and enter into an Interlocal Agreement with the South Florida Regional Transportation Authority for the funding of capital and operating costs of the new Doral Trolley Routes; and Providing for an effective date **(Public Works)- Resolution #10-177**

*\*Item 5 C was removed from Consent Agenda by Councilman Cabrera and placed for consideration as item 9 | i*

**Motion to Approve** Councilman Cabrera  
**Votes:** Unanimous

**Second Vice Mayor DiPietro**  
**Motion:** ☒ Passes ☐ Fails

- D. A Resolution of the Mayor and the City Council of the City of Doral, Florida waiving the competitive procurement requirements and adopting the terms of the existing agreement between the Miami-Dade County Fire Department and Physio-Control, Inc. for the provision of Automated Electronic Defibrillators in an amount not to exceed \$50,000.00; and Providing for an effective date **(Police) – Resolution #10-167**

**Motion to Approve** Councilman Cabrera

**Votes:** Unanimous

**Second** Vice Mayor DiPietro

**Motion:** ☒ Passes ☐ Fails

- E. A Resolution of the Mayor and the City Council of the City of Doral, Florida authorizing the City Manager to negotiate and enter into a Memorandum of Agreement with the Bureau of Alcohol, Tobacco, Firearms and Explosives for reimbursement of overtime salary costs associated with the ATF Task Force; and Providing for an effective date **(Police)- Resolution #10-168**

**Motion to Approve** Councilman Cabrera

**Votes:** Unanimous

**Second** Vice Mayor DiPietro

**Motion:** ☒ Passes ☐ Fails

- F. A Resolution of the Mayor and the City Council of the City of Doral, Florida waiving the competitive procurement requirements and adopting the terms of the existing contract between the State of Florida and Goodyear Tire & Rubber Company for the provision of tires for City of Doral Police Vehicles in an amount not to exceed \$30,000.00; and Providing for an effective date **(Police)- Resolution #10-169**

**Motion to Approve** Councilman Cabrera

**Votes:** Unanimous

**Second** Vice Mayor DiPietro

**Motion:** ☒ Passes ☐ Fails

- G. A Resolution of the Mayor and the City Council of the City of Doral, Florida waiving the competitive procurement requirements and authorizing the City Manager to renew the subscription to the CodeRed Weather Warning Service an amount not to exceed \$7,500.00 annually for a period of three (3) years; and Providing for an effective date **(IT)- Resolution #10-170**

**Motion to Approve** Councilman Cabrera

**Votes:** Unanimous

**Second** Vice Mayor DiPietro

**Motion:** ☒ Passes ☐ Fails

**Motion to Approve Consent Agenda Items:** A, B, D, E, F, and G from Consent Agenda  
**made by** Councilman Cabrera  
**Votes:** Unanimous

**Seconded** Vice Mayor DiPietro

**Motion:** ☒ Passes ☐ Fails

## 6) Approval of Minutes

### A. Special Council Meeting – October 13, 2010

**Motion to Approve** Vice Mayor DiPietro

**Votes:** 4-1

**Second** Councilman Cabrera

**Motion:** ☒ Passes ☐ Fails

**Yes:** Vice Mayor DiPietro, Councilman Cabrera, Councilwoman Rodriguez, Mayor Bermudez

**No:** Councilman Boria

**B. Council Zoning Meeting – November 10, 2010**

**Motion to Approve** Councilman Boria  
**Votes:** Unanimous

**Second** Councilman Cabrera  
**Motion:** ☒ Passes ☐ Fails

**C. Council Meeting – November 10, 2010**

**Motion to Approve** Vice Mayor DiPietro  
**Votes:** Unanimous

**Second** Councilman Cabrera  
**Motion:** ☒ Passes ☐ Fails

**7) Presentations**

A. Mayor Bermudez Superstars

B. Keep Doral Beautiful Business Award

**8) Public Comments**

**9) Discussion Items**

A. Discussion: Relay For Life / American Cancer Society 2011

**Motion to Approve the expenses as stated in the memorandum circulated** made by Councilman Cabrera  
**Second** Councilwoman Rodriguez  
**Votes:** Unanimous  
**Motion:** ☒ Passes ☐ Fails

B. Discussion: DOC Miami International Film Festival 2010 –  
Recap and Recommendation from the Cultural Affairs Advisory Board

**Motion to Approve to the expenses to sponsor this event as presented in the recommendation** made by Councilman Cabrera  
**Second** Councilwoman Rodriguez  
**Votes:** Unanimous  
**Motion:** ☒ Passes ☐ Fails

C. A Resolution of the Mayor and the City Council of the City of Doral, Florida authorizing an extension of the existing work order for King Engineering Associates, Inc. for construction management services for the J.C. Bermudez Park Storm Water Irrigation Project in an amount not to exceed a total of \$116,700.00 for the project; Authorizing the City Manager to expend additional contingency funds in the amount of \$25,000.00 in the event of unforeseen conditions; and Providing for an effective date **(Parks and Recreation)- Resolution #10-171**

**Motion to Approve** Vice Mayor DiPietro  
**Votes:** 4-1  
**Yes:** Vice Mayor DiPietro, Councilman Boria, Councilwoman Rodriguez and Mayor Bermudez  
**No:** Councilman Cabrera  
**Second** Councilman Boria  
**Motion:** ☒ Passes ☐ Fails

D. A Resolution of the Mayor and the City Council of the City of Doral, Florida authorizing an extension of the existing work order for SFM Services in an amount not to exceed \$150,000.00 for continued right-of-way landscape maintenance; and Providing for an effective date **(Public Works)Resolution #10-172**

**Motion to Approve** Councilman Cabrera  
**Votes:** Unanimous

**Second Vice Mayor DiPietro**  
**Motion:** ☒ Passes ☐ Fails

- E. A Resolution of the Mayor and the City Council of the City of Doral, Florida authorizing the City Manager to negotiate and enter into an agreement with Doral Lincoln Mercury for the provision of non-warranty vehicle maintenance in an amount not to exceed \$70,000.00; and Providing for an effective date **(Police)- Resolution #10-173**

**Motion to Approve** Councilman Boria  
**Votes:** Unanimous

**Second Vice Mayor DiPietro**  
**Motion:** ☒ Passes ☐ Fails

- F. A Resolution of the Mayor and the City Council of the City of Doral, Florida authorizing the City Manager to negotiate and enter into an agreement with Aware Digital, Inc. for the provision of a video surveillance and automatic license plate recognition system in an amount not to exceed \$1.2 million to be funded through COPS Technology grant funds; and Providing for an effective date **(Police)- Resolution #10-174**

**Motion to Approve** Vice Mayor DiPietro  
**Votes:** Unanimous

**Second Councilman Boria**  
**Motion:** ☒ Passes ☐ Fails

- G. A Resolution of the Mayor and the City Council of the City of Doral, Florida waiving the competitive procurement requirements and authorizing the City Manager to increase the dollar amount of the agreement with Aware Digital, Inc. for the provision of a video surveillance and automatic license plate recognition system by an amount not to exceed \$810,000.00 for purposes of implementing the COPS Secure Our Schools Grant; and Providing for an effective date **(Police)-Resolution #10-175**

**Motion to Approve** Vice Mayor DiPietro  
**Votes:** Unanimous

**Second Councilman Cabrera**  
**Motion:** ☒ Passes ☐ Fails

- H. A Resolution of the Mayor and the City Council of the City of Doral, Florida authorizing The City Manager to negotiate and enter into an agreement with Osterholt Consulting Services for the provision of budget consulting services for Fiscal Year 2010-2011 in accordance with Schedule "A" attached herein; and Providing for an effective date **(City Manager)- Resolution #10-176**

**Motion to Approve** Vice Mayor DiPietro  
**Votes:** 4-1

**Second Councilwoman Rodriguez**  
**Motion:** ☒ Passes ☐ Fails

**Yes:** Vice Mayor DiPietro, Councilwoman Rodriguez, Councilman Boria and Mayor Bermudez  
**No:** Councilman Cabrera

- I. A Resolution of the Mayor and the City Council of the City of Doral, Florida approving the agreement between the City and the Office of the State Attorney for the Eleventh Judicial Circuit of Florida for the reimbursement of costs incurred by the State Attorney's Office in connection with the prosecution of certain criminal violations of the City of Doral's Code; Authorizing the City Manager to execute the agreement; and Providing for an effective date **(City Attorney)- Resolution #10-178**

**Motion to Approve with changes to the Resolution language to specify the words "criminal violations" made by Councilman Cabrera**      **Second Vice Mayor DiPietro**

**Votes:** Unanimous

**Motion:** ☒ Passes ☐ Fails

- J. Discussion: Request for In-the-Shade session for Grand at Doral 1 and Section 7 Tract 64 Property v. City of Doral and the Florida Department of Community Affairs, Division of Administrative Hearings Case No. 09-4297 GM and Grand at Doral 1 and Section 7 Tract 64 Property v. City of Doral, Miami-Dade Circuit Court Case No. 09-85904 CA (32) (**City Attorney**)

*(Item 9 J was removed by City Attorney Jimmy Morales under Agenda / Order of Business)*

- K. Discussion: Follow-up on Workshop Discussion Re: FPL Corridor (**City Attorney**)

**Motion to Defer** Councilman Cabrera

**Second Councilman Boria**

**Date:** December 16, 2010

**Motion:** ☒ Passes ☐ Fails

**Votes:** Unanimous

### **Second Reading**

#### ***Ordinance #2010-34 "Tract 33 Land Purchase Budget Amendment"***

- L. An Ordinance of the Mayor and the City Council of the City of Doral, Florida providing for an amendment increasing the General Funds Budget for Fiscal Year 2010-211 for the Purchase of Tract 33; Providing for severability; and Providing for an effective date

**Motion to Approve Ordinance #2010-34 on second reading made by Vice Mayor DiPietro** **Second Councilwoman Rodriguez**

**Votes:** 4-1

**Motion:** ☒ Passes ☐ Fails

**Yes:** Vice Mayor DiPietro, Councilwoman Rodriguez, Councilman Cabrera, Mayor Bermudez

**No:** Councilman Boria

#### ***Ordinance #2010-35 "Special Obligation Bonds"***

- M. An Ordinance of the Mayor and the City Council of the City of Doral, Florida authorizing issuance of not to exceed \$30,000,000 of City of Doral Florida Special Obligation bonds, in one or more series, for purpose of, together with other available moneys, financing the cost of acquisition, construction and equipping of certain capital improvement projects consisting of a new City Hall and park facilities; Providing that details, terms and other matters of each series shall be determined by subsequent Resolution; Providing for the bonds to be secured by a lien upon certain non-ad valorem revenues or pledged funds as determined by subsequent Resolution; Providing for a covenant to budget and appropriate non-ad valorem revenues, as determined by subsequent Resolution; authorizing the appropriate officers or officials of the City to proceed to develop necessary documents to sell and issue the bonds; Providing for severability and providing for an effective date

**Motion to Defer** made by Councilman Cabrera

**Second Vice Mayor DiPietro**

**Date:** December 16, 2010

**Motion:** ☒ Passes ☐ Fails

Votes: Unanimous

- a.** A Resolution of the Mayor and the City Council of the City of Doral, Florida authorizing the issuance and sale of not to exceed \$\_\_\_\_\_ City of Doral, Florida Special Obligation Bonds, Series 2010, for the purpose of, together with other available moneys paying costs of projects and paying costs of issuance of the series 2010 Bonds; Making findings and determinations as to the series 2010 Bonds, Authorizing the City manager to finalize the terms of a loan and award the sale of the series 2010 Bonds; Providing for the method of execution of the series 2010 Bonds; Providing that the series 2010 Bonds shall be payable solely from pledged funds, as described in the loan agreement; Providing covenants with respect to the Series 2010 Bonds; Authorizing the expenditure of the proceeds of the Series 2010 Bonds; Approving the expenditure of the proceeds of the Series 2010 Bonds; Approving the form of a loan agreement in connection with the sale of such series 2010 Bonds and authorizing the execution and delivery of such loan agreement and the series 2010 Bonds; Authorizing other required actions in connection therewith; Providing for severability; and Providing for an effective date

**Motion to Defer** made by Councilman Cabrera  
Date: December 16, 2010  
Votes: Unanimous

**Second Vice Mayor DiPietro**  
**Motion:** ☒ Passes ☐ Fails

## **N. Department Reports / Staff Reports / Recommendations**

### **A. Mayor's Report**

#### **i. Board Appointments**

**Mayor deferred board appointments.**

### **B. City Manager's Report**

### **C. Department Reports / Staff Reports**

- i. Building**
- ii. Office of the City Clerk**
- iii. Code Compliance**
- iv. Economic Development Coordinator**
- v. Finance**
- vi. Human Resources**
- vii. Information Technology**



viii. Parks & Recreation

ix. Planning & Zoning

x. Police

xi. Public Works

**D. City Attorney's Report**

**O. Adjournment**

**Motion to Adjourn made by Councilman Boria and Second by Councilman Cabrera**



## **CITY OF NORTH MIAMI BEACH**

City Council Meeting  
Council Chambers, 2nd Floor  
City Hall, 17011 NE 19th Avenue  
North Miami Beach, FL 33162  
**Tuesday, March 1, 2011**  
**7:30 PM**

Mayor Myron Rosner  
Vice Mayor Barbara Kramer  
Councilman Philippe Derosé  
Councilman McKenzie Fleurimond  
Councilman Frantz Pierre  
Councilwoman Phyllis S. Smith  
Councilwoman Beth E. Spiegel

Acting City Manager Roslyn Weisblum  
City Attorney Darcee S. Siegel  
Interim City Clerk Joanne M. Callahan

### Notice to All Lobbyists

Any person who receives compensation, remuneration or expenses for conducting lobbying activities is required to register as a Lobbyist with the City Clerk prior to engaging in lobbying activities before City Boards, Committees, or the City Council.

## **AGENDA**

- 1. ROLL CALL OF CITY OFFICIALS**
- 2. INVOCATION** - Reverend Dr. Greg Mansfield, St. Bernard de Clairvaux
- 3. PLEDGE OF ALLEGIANCE**
- 4. REQUESTS FOR WITHDRAWALS, DEFERMENTS AND ADDITIONS TO AGENDA**
- 5. PRESENTATIONS /DISCUSSIONS**
  - 5.1** Plaque presentation to Bucky Singer, in recognition of his work with the Special Olympics - Presented by Mayor Myron Rosner
- 6. APPOINTMENTS**
  - 6.1** Swearing In of Pamela L. Latimore, CMC, City Clerk - By Honorable Judge Alicia L. Latimore, 9th Judicial Circuit Court of Florida
- 7. CONSENT AGENDA**
  - 7.1** Resolution No. R2011-11

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH FAST-DRY COURTS, INC. FOR THE TENNIS CENTER CLAY COURTS REGRADING BID NO. 2010-22.
  - 7.2** Resolution No. R2011-14

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI BEACH, FLORIDA APPROVING THE SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS BY AND BETWEEN THE CITY OF NORTH MIAMI BEACH AND JACKSON LAND

DEVELOPMENT, LLC RELATIVE TO CERTAIN ACTS INVESTIGATED BY THE MIAMI-DADE COUNTY STATE ATTORNEY; AUTHORIZING THE ACTING CITY MANAGER TO EXECUTE THE SETTLEMENT AGREEMENT AND RELEASE OF ALL CLAIMS; AND PROVIDING FOR AN EFFECTIVE DATE AND ALL PURPOSES.

**8. CITY MANAGER'S REPORT**

**9. CITY ATTORNEY'S REPORT**

**9.1 Litigation List**

**10. MAYOR'S DISCUSSION**

**11. PUBLIC COMMENT**

**To All Citizens Appearing Under Public Comment**

The Council has a rule which does not allow discussion on any matter which is brought up under Public Comment. We are, however, very happy to listen to you. The reason for this is that the Council must have Staff input and prior knowledge as to the facts and figures, so that they can intelligently discuss a matter. The Council may wish to ask questions regarding this matter, but will not be required to do so. At the next or subsequent Council meeting you may have one of the Councilpersons introduce your matter as his or her recommendation. We wish to thank you for taking the time to bring this matter to our attention. Under no circumstances will personal attacks, either from the public or from the dais, be tolerated.

**Speaking Before the City Council**

There is a three (3) minute time limit for each speaker during public comment and a three (3) minute time limit for each speaker during all public hearings. Your cooperation is appreciated in observing the three (3) minute time limit policy. If you have a matter you would like to discuss which requires more than three (3) minutes, please feel free to arrange a meeting with the appropriate administrative or elected official. In the Council Chambers, citizen participants are asked to come forward to the podium, give your name and address, and the name and address of the organization you are representing, if any. If you are speaking on a public hearing item, please speak only on the subject for discussion. Thank you very much, in advance, for your cooperation.

**Pledge of Civility**

A resolution was adopted by the Mayor and City Council of the City of North Miami Beach recognizing the importance of civility, decency, and respectful behavior in promoting citizen participation in a democratic government. The City of North Miami Beach calls upon all residents, employees, and elected officials to exercise civility toward each other. (Resolution No. R2007-57, 11/06/07)

**12. MISCELLANEOUS ITEMS - *None***

**13. WAIVER OF FEE - *None***

**14. BUSINESS TAX RECEIPTS - *None***

**15. LEGISLATION**

**15.1 Ordinance No. 2011-4**

AN ORDINANCE REZONING PROPERTY WITHIN THE CITY OF NORTH MIAMI BEACH LOCATED AT 1558 NE 162nd STREET FROM A CLASSIFICATION OF RO, RESIDENTIAL OFFICE DISTRICT TO A CLASSIFICATION OF B-2, GENERAL BUSINESS DISTRICT, AND DIRECTING THE DIRECTOR OF THE PUBLIC SERVICES DEPARTMENT TO MAKE ALL NECESSARY CHANGES IN THE OFFICIAL ZONING MAP OF THE CITY OF NORTH MIAMI BEACH TO CARRY OUT THE INTENT OF THIS ORDINANCE; PROVIDING FOR THE REPEAL

OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR THE CODIFICATION OF THIS ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE.

**16. CITY COUNCIL REPORTS**

**17. NEXT REGULAR CITY COUNCIL MEETING - March 15, 2011**

**18. ADJOURNMENT**

Date of Last Update:  
Committees and Boards

3/28/2011

## PLANNING & ZONING

Meets the 1st and 3rd Monday at 6:30PM

Member	e-mail Address	Appointed By	Comment
1 Gage Hartung	hartungpj@aol.com	Childress	
2 Barbara Watts	barbarawatts@comcast.net	Cooper	
3 Andrew Olis	aois@hotmail.com	Bernard	
4 Doug Tannehill	tannehills@aol.com	Ross	
5 Elizabeth Hornbuckle	epiotrowski@dhp-arch.com	Anderson	
6 Mario Rumiano	mrumiano@comcast.net		< Alternate >
7 Carl Bickel	chspike@aol.com		< Alternate >
Fred Jonas		Ross	Resigned.

## Code Enforcement

Meets the 3rd Tuesday at 7:00PM

1 Harvey Bilt	inc2093@bellsouth.net	Anderson	
2 Dale Blanton	boanton@bellsouth.net	Bernard	
3 David Coviello	dcoviello@shutts.com	Childress	
4 Carmen DiBernardi	lakarmen@aol.com	Ross	
5 Dario Salazar	salazard@bellsouth.net	Cooper	Notified March 1, 2011.
6 Keili Rumiano	kelliromano@gmail.com	Anderson	< Alternate >
7 Milt Hunter	huntermilt@yahoo.com	Anderson	< Alternate >
Victor Cannon	victor.cannon@usairways.com	Cooper	Resigned.
Ray Irizzary	randg@bellsouth.net	Ross	Resigned.

## Code Review

Meets the 2nd & 4th Tuesday at 7:00PM

1 Gage Hartung	hartungpj@aol.com	Auto from P&Z	
2 Andrew Olis	aois@hotmail.com	Auto from P&Z	
3 Gary Kuhl	gbkuhl@gmail.com	Anderson	
4 Dale Blanton	boanton@bellsouth.net	Auto from Code Enf	
5 David Coviello	dcoviello@shutts.com	Auto from Code Enf	
6 Carmen DiBernardi	lakarmen@aol.com	Auto from Code Enf	
7 Kelli Romano	kelliromano@gmail.com	Auto from Code Enf	
8 Judi Hamelburg	judisue@bellsouth.net	Bernard	
Ray Irizzary	randg@bellsouth.net	Auto from Code Enf	Resigned
Fred Jonas	fredjonasmd@hotmail.com	Auto from P&Z	Resigned
Harvey Bilt	inc2093@bellsouth.net	Auto from Code Enf	Resigned, but remains on Code Enf.
Milt Hunter	huntermilt@yahoo.com	Auto from Code Enf	Resigned, but remains on Code Enf.



<i>Victor Cannon</i>	<i>victor.cannon@usairways.com</i>	<i>Auto from Code Entf</i>	<i>Resigned</i>
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### Recreation Advisory Board

Meets the 2nd Wednesday at 6:30PM

1	James Murphy	murp7083@comcast.net; jcmadjuster@gmail.com	Bernard	
2	John Holland	jholland@rccl.com	Cooper	
3	Helga Silva	heiga.silva@gmail.com	Ross	Notified February 1, 2011.
4	Rachel O'Conner	racheld.oconnor@gmail.com		Previous alternate that replaced Vicki O'Brien.
5	Grisette Marcos	groquemarcos@miamibeachvca.com	Anderson	
	Ron Gwynn	yellowtop1@bellsouth.net	Anderson	Resigned
	Vicki Mallette O'Brien	mallette@bellsouth.net	Childress	Resigned.

### Parks & Parkway Advisory Board

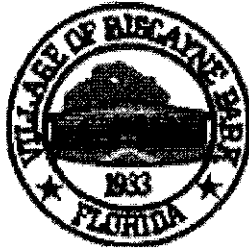
Meets the 3rd Wednesday at 6:00PM

1	Dan Keys	keypalmnut@aol.com	Anderson	
2	Barbara Kuhl	thundermom1@gmail.com	Childress	
3	Randy Wagoner	coachwagoner@yahoo.com	Ross	
4	John Zoeller	johnzoeller@aol.com; johnzoeller@dadeschools.net	Bernard	
5	Daniel Samaria	dsthebugman@bellsouth.net	Cooper	
6	Lynn Fisher	fish009@bellsouth.net		< Alternate >
7	Mary Ann Jones	matagj45@aol.com		< Alternate >
	David Tunnel	david@metroorganicbistro.com	Cooper	Resigned.
	Anne Marie Jonckheer	Jajonckheer@northmiamifl.gov	Bernard	Resigned.
	Barbara Kiers	morettiwhse@aol.com	Cooper	Resigned.
	Jane Ansley	janeansley@gmail.com		Resigned. (Alternate)

### Ecology Board

Meets the 3rd Thursday at 6:30PM

1	Victor Romano	VRomano@mail.barry.edu	Anderson	Notified March 28, 2011.
2	Matt Davis	seelife1@comcast.net	Bernard	
3	Art Pyle	artpylearch@yahoo.com	Childress	
4	Tom Pliske	plisket@fiu.edu	Cooper	
5	Tracy Truppmann	ecotilt@bellsouth.net	Ross	
6	Linda Carrington	carringtonl@bellsouth.net		< Alternate >
	Linda Domin	likethis@bellsouth.net		Will participate on special projects only.



Date: 3/28/11  
To: Clerk Maria Camara  
From: Commissioner Steve Bernard  
Re: April Agenda Item

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**REQUEST:**

**A DISCUSSION OF: FPL Hardening project – 8<sup>th</sup> ave, 10<sup>th</sup>, ave, 119 st**

**BACKGROUND AND ANALYSIS:**

At the 3/10/11 meeting to discuss the Hardening project with FPL representatives, a discussion about wood vs concrete poles, including wind load calculations, electric light costs, pole costs and aesthetics concluded with FPL stating that they would submit documentation so that the Village can determine how to proceed with pole types.

To date, this submittal by FPL has not happened, and yet Village Staff has indicated that the plans submitted without the results of this determination will be approved. Village Planning & Zoning or Parks & Parkways can assist with this decision.

In addition, FPL has amended their plans to state that "The stub poles or doubles poles will be removed in a timely fashion. A timely fashion has been defined as within 8 weeks after all joint use facilities have transferred to the new FPL poles." (both within the area of this project as well as throughout the Village) only after ATT & Comcast have removed their lines. However, this is an open-ended statement and does not require any action be taken if FPL claims that the removal of double poles is "out of their hands". FPL should be asked to be more proactive, since they own the poles in question, and since the Village has no legal say in the timing of the relocation of those lines.

FPL also stated at the 3/10/11 meeting that they would provide the budget amount for this project, which will be critical in determining the assessment for future property taxes to be paid by FPL. To my knowledge, this has not been submitted.

Finally, a discussion regarding required PW Bonds, which would provide protection that all of the work (stated verbally) will be complete. Since the Village has determined that permits will be required, a Bond is within our rights as a sovereign municipality to require.

**FISCAL/BUDGETARY IMPACT:**

**Costs – none**

**RECOMMENDATION:**

1. Request that FPL provide the offered documentation for light fixture & operational costs and pole wind load calculations so that the Village can determine if wood poles are more beneficial than concrete.
2. Request that FPL be proactive in demanding ATT/Comcast relocate lines in a timely manner.
3. Require that FPL pay for and obtain a Bond to ensure completion of the work within a reasonable time period.



**From:** village clerk (villageclerk@biscayneparkfl.gov)  
**To:** villageclerk@biscayneparkfl.gov;  
**Date:** Wed, March 23, 2011 12:09:43 PM  
**Cc:** agarcia@biscayneparkfl.gov; attyhearn@aol.com; salannese@yahoo.com; bdclerk@biscayneparkfl.gov;  
**Subject:** FW: FP&L Hardening Project

**To:** Vice Mayor Bernard and Full Commission:  
**From:** Manager Garcia

Again we are providing a recap of the meeting with FP&L on March 10th, which is how we are going to proceed with this project. Additionally we are including below Attorney Hearn's response regarding permit fees as was communicated to us by Building Official Sal Annese.

Based on the meeting and the information provided by FP&L and a review of the plans submitted on March 4, 2011, our Building Official, Sal Annese, has confirmed the following on behalf of the Village:

1. The plans as submitted by FP&L on March 4th will be accepted with their recommended pole replacements. [Updated 3/23/11: The updated plans with required addendums were received this past Friday and distributed to everyone.](#)
2. FP&L will add an addendum to the plans stipulating that all excess poles will be removed within 6 to 8 weeks of the other utilities (AT&T and Comcast) transferring their equipment to the new poles.
3. The Village will issue a preliminary permit allowing the facilities to go in.
4. It is not necessary to submit the plans to Planning & Zoning.
5. As the work commences, a right of way permit will be issued. [Updated 3/23/11: Building Official Annese had confirmed that any permit fees assessed would be then deducted from our franchise fees. We asked Attorney Hearn for his review and he provided this response:](#)

*Morning Ana, reviewed the FPL agreement. The agreement provides that "when added to the amount of all licenses, excises, fees, charges and other impositions of any kind whatsoever( except ad valorem real and personal property taxes and non ad valorem tax assessments on the property)" ..... FPL will pay an amount "equal to 5.9% of the Grantee's billed revenues....." Therefore, it would appear the permit fees are deducted. This Franchise language is consistent with all cities that have a franchise with FPL. Sal should check to confirm that is how FPL operates in other cities. My informal survey indicated that it is. Sal can call the Miami Building official committee.*

6. If an FP&L authorized subcontractor does any of the work, they will be required to register with the Village and submit licensing and insurance documentation.
7. It has been confirmed that if traffic mitigation requires either our police staff or contracted flagmen, all costs paid by FP&L.
8. It has been confirmed that FP&L will restore and/or repair any sod/street/sidewalk that has been removed, damaged or disturbed.



Additionally, it was confirmed that FP&L will send a letter to all residents explaining this project and the affected areas. Prior to actual work commencing, notification will be provided to the affected residents by way of a door hanger to notify of possible power outages. [Updated 3/23/11: The building clerk is in communication with FP&L and they have confirmed that a corrected letter is being sent to all residents on 119th and 110th streets which shows the correction that this project is taking place on 119th.](#)

**Other issues outside of the hardening project that were discussed:**

1. Biscayne Park Public Works Department provided FP&L with a listing of 37 locations throughout the Village where a double pole currently exists. Within 2 weeks, FP&L will provide a timeline on the removal of the excess poles. FP&L recommends that we also contact both AT&T and Comcast to put pressure on them to do the work that is necessary in order to eliminate the excess poles. [Updated 3/23/11: We are in communication with our FP&L representative who was given the listing of the current double poles and leaning/damaged poles to get a status.](#)

Further, the Mayor and Manager will be working on a resolution that will communicate to both AT&T and Comcast the necessity and requirement of their adhering to an expeditious plan of action, in coordination with FP&L, on the removal of the current double poles, and any collaboration that is needed for the hardening project.

[Updated 3/23/11: Manager Garcia is in communication with the Managers of North Miami and El Portal in order to work with them in regards to their situation with double poles and damaged/leaning poles as a way to join forces and strengthen our communications with the utility companies. Mayor Ross is doing the same with the Mayors of these cities.](#)

2. Biscayne Park Public Works Department also provided FP&L with a listing of several poles throughout the Village that are either leaning or damaged, or both. FP&L will provide information on what steps will be taken to address these.

3. FP&L was also provided with two examples of properties along the railroad tracks where the FP&L pole is within a property as there are no easements. FP&L will provide information on this issue for all properties along this corridor.

4. FP&L will provide us with wattage information that is available for our street lights, as well as cost information on having wiring and cabling to go underground, both for our future consideration.

We thank both Mr. Parea and Mr. Grillo for the time they afforded us for this meeting, as well as their continued communication with our Building Official and Building Clerk, and other staff.

We will continue to keep you updated on both the hardening project and other issues discussed as new information becomes available.

[Updated 3/23/11: We are currently in communication with the Property Appraiser's office to get clarification/direction on if/how the placement of these poles would result in an increase of their ad valorem taxes. Will provide information as soon as it is received.](#)

Maria C. Camara, Village Clerk

Village of Biscayne Park  
640 NE 114th Street  
Biscayne Park, FL 33161  
Tel: 305 899 8000, Ext. 201  
email: [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov)

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**From:** Steve Bernard [<mailto:steve@stevebernardarchitect.com>]  
**Sent:** Monday, March 21, 2011 3:20 PM  
**To:** [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov)  
**Cc:** [agarcia@biscayneparkfl.gov](mailto:agarcia@biscayneparkfl.gov); [attyhearn@aol.com](mailto:attyhearn@aol.com); Jeanie Bridges  
**Subject:** Re: FP&L Hardening Project

All,

I see that tonight's Agenda for the P&Z Meeting does not have the FPL project included, and I have not had any response to my comments on the 3/10/11 meeting. What is the status?

Thank you,

Steve Bernard

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**From:** Steve Bernard <[steve@stevebernardarchitect.com](mailto:steve@stevebernardarchitect.com)>  
**To:** [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov)  
**Cc:** [agarcia@biscayneparkfl.gov](mailto:agarcia@biscayneparkfl.gov); [attyhearn@aol.com](mailto:attyhearn@aol.com); Jeanie Bridges <[bdclerk@biscayneparkfl.gov](mailto:bdclerk@biscayneparkfl.gov)>  
**Sent:** Tue, March 15, 2011 8:06:54 AM  
**Subject:** Re: FP&L Hardening Project

Sorry, I sent without commenting on two other issues:

1. Items 2 & 3 of the items outside the Hardening Project - what is the timeline to get back to us on the damaged/leaning pole removals, and to review the power poles in the backyards at the Railroad Track properties?
2. There was a discussion of a broken light fixture on 11th Pl, but I don't recall a timeline to repair.

Steve

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**From:** Steve Bernard <[steve@stevebernardarchitect.com](mailto:steve@stevebernardarchitect.com)>  
**To:** [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov)  
**Cc:** [agarcia@biscayneparkfl.gov](mailto:agarcia@biscayneparkfl.gov); [attyhearn@aol.com](mailto:attyhearn@aol.com); Jeanie Bridges <[bdclerk@biscayneparkfl.gov](mailto:bdclerk@biscayneparkfl.gov)>  
**Sent:** Tue, March 15, 2011 8:01:31 AM  
**Subject:** Re: FP&L Hardening Project

All (again, I have removed the Building Official from this response),

I wasn't there for the first 30 minutes, and I had to leave at 3:40, but there seem to be some details missing... please see my comments in BOLD, and respond with any corrections/clarifications to the entire Commission. I am concerned that this project will proceed without a proper review of wood vs concrete poles.

Thank you,

Steve Bernard



**From:** village clerk <villageclerk@biscayneparkfl.gov>  
**To:** villageclerk@biscayneparkfl.gov  
**Cc:** agarcia@biscayneparkfl.gov; attyhearn@aol.com; salannese@yahoo.com; Jeanie Bridges <bddclerk@biscayneparkfl.gov>  
**Sent:** Fri, March 11, 2011 4:49:33 PM  
**Subject:** FP&L Hardening Project

**To the Full Commission:**

The following is a recap of the meeting on Thursday, March 10th, with FP&L Project Manager Miguel Parea, and FP&L Governmental Accounts Manager Jorge Grillo. Also in attendance were Building Official Sal Annese, Village Manager Ana Garcia, Village Clerk Maria Camara, Public Works Director Bernard Pratt and Public Works Administrative Assistant Cesar Hernandez. In the audience were Mayor Roxanna Ross, Vice Mayor Steve Bernard and several residents. Commissioner Bob Anderson was in attendance via telephone.

**FP&L Hardening Project:**

In an agreement with Florida 's Public Service Commission (PSC) as a result of the 2006 Hurricane season, FP&L has planned a reliability project to strengthen the main power line in Biscayne Park and surrounding areas. The work that is expected to begin in May will involve replacing select power poles with mostly stronger concrete poles to withstand extreme winds. Data was provided that the wood poles withstand 110 to 120 mph maximum. **DATA WAS NOT PROVIDED AT THE MEETING, BUT WE WERE TOLD THAT THE WOOD POLES CAN WITHSTAND THE SAME 145 MPH AS THE CONCRETE, EVEN THOUGH THE SPACING WOULD NEED TO BE AT 100' INSTEAD OF 150'.** The concrete poles withstand and exceed the minimum 145 mph requirements. Additionally, with the higher wind capacity, it will reduce the number of poles throughout the Village. **A COUNT OF THE POLES WOULD BE DONE, TO DETERMINE HOW MANY MORE WOOD POLES WOULD BE REQUIRED AT THE SHORTER SPACING. THE COUNT WOULD BE 3 WOOD POLES TO 2 CONCRETE POLES, BASED ON 100' VS 150'. FPL STATED THAT THE COST OF A NEW CONCRETE POLE WAS ROUGHLY TWICE THE COST OF A NEW WOOD POLE.** These concrete poles are the same height as the current wood poles.

Based on the meeting and the information provided by FP&L and a review of the plans submitted on March 4, 2011, our Building Official, Sal Annese, has confirmed the following on behalf of the Village:

1. The plans as submitted by FP&L on March 4th will be accepted with their recommended pole replacements. **WITHOUT REVIEWING TO USE MORE WOOD POLES? LIGHTING LOCATIONS? WITHOUT THE NOTE REGARDING REMOVAL OF POLES INCLUDED ON THE DRAWINGS?**
2. FP&L will add an addendum to the plans stipulating that all excess poles will be removed within 6 to 8 weeks of the other utilities (AT&T and Comcast) transferring their equipment to the new poles. **THE 3/4/11 PLANS DO NOT HAVE THE NOTE ABOUT REMOVING EXISTING POLES, WHY WOULD WE APPROVE THEM AS #1 SAYS WE WILL? IF FPL IS ALLOWED TO WAIT UNTIL ATT/COMCAST RELOCATES LINES, THEY MAY NEVER**



**REMOVE THE EXCESS POLES... FPL NEEDS TO TAKE OUT THIS CONDITION, AS THEY ARE RESPONSIBLE FOR ALL OF THEIR POLES, REGARDLESS OF THE LINES ON THEM.**

3. The Village will issue a preliminary permit allowing the facilities to go in. **WITHOUT REVIEWING TO USE MORE WOOD POLES? LIGHTING LOCATIONS?**

4. It is not necessary to submit the plans to Planning & Zoning. **OUR CODE STATES THAT ANY PERMIT (DEVELOPMENT) APPLICATIONS REQUIRE P&Z REVIEW, WITH APPLICATION FEE. I DO NOT BELIEVE THIS DECISION FALLS UNDER THE AUTHORITY OF THE BUILDING OFFICIAL, AND THIS MAY BE THE ONLY WAY TO PUBLICLY DISCUSS MORE (AESTHETIC) WOOD VS LESS (WILL STAND OUT) CONCRETE, AS PER OUR CODE:**

*(13.2. Planning board. 13.2.1 Appointed. There is hereby appointed and created a village planning board hereinafter called the board to review and recommend to the village commission approval or denial of development applications submitted under this code and any other matter that may be referred to the board by the commission.*

*13.2.9 Application fees. The village commission shall adopt by resolution a schedule of application fees for functions performed by the planning board in response to applications submitted by any person, corporation, organization or governmental entity. )*

5. As the work commences, a right of way permit will be issued.

6. If an FP&L authorized subcontractor does any of the work, they will be required to register with the Village and submit licensing and insurance documentation.

7. It has been confirmed that if traffic mitigation requires either our police staff or contracted flagmen, all costs paid by FP&L.

8. It has been confirmed that FP&L will restore and/or repair any sod/street/sidewalk that has been removed, damaged or disturbed. **CONFIRMED ONLY VERBALLY BY FPL... THIS IS WHY WE NEED A BOND, WHICH I DO NOT BELIEVE IS UNDER THE AUTHORITY OF THE BUILDING OFFICIAL**

Additionally, it was confirmed that FP&L will send a letter to all residents explaining this project and the affected areas. Prior to actual work commencing, notification will be provided to the affected residents by way of a door hanger to notify of possible power outages.

**\* AS WE ARE NOW AWARE, THE LETTER IS INCORRECT - IT SHOWS 110TH STREET, INSTEAD OF 119TH STREET, THIS NEEDS TO BE CORRECTED**

**\* NOTHING IS MENTIONED HERE ABOUT A BOND, TO PAY FOR ANYTHING THAT FPL DOES NOT COMPLETE, INCLUDING REMOVAL OF POLES AFTER A DATE CERTAIN.**

**\* FPL STATED THAT THEY DIDN'T KNOW OFF HAND THE COST OF THE PROJECT, BUT THAT THEY WOULD SUBMIT IT TO US... BUT NOTHING IS MENTIONED HERE. THE COST NEEDS TO GO ON THE PERMIT APPLICATION, SO THAT WE CAN BE ASSURED FPL WILL PAY PROPERTY TAXES ON THE IMPROVEMENTS. ONCE THAT PUT THAT NUMBER ON THE NOTARIZED APPLICATION, THEY GET TAXED ON IT**



**WHEN WE SUBMIT IT TO THE COUNTY. IF THEY DO NOT PUT ON THE APPLICATION, WE WILL NEVER KNOW WHAT THEY'RE BEING TAXED ON... JUST LIKE A RESIDENT WHO SUBMITS FOR A PERMIT AND IS LATER TAXED ON IT... FPL IS THE LARGEST SINGLE TAXPAYER IN BISCAYNE PARK, AND THESE IMPROVEMENTS MUST BE ACCOUNTED FOR.**

**\* FPL SAID THEY WOULD SUBMIT WIND LOAD CALCULATIONS FOR WOOD AND CONCRETE POLES, SO WE COULD ASSURE OUR RESIDENTS THAT THEY ARE DESIGNED PROPERLY**

**\* FPL SAID THEY WOULD SUBMIT WHAT THE POLES WILL LOOK LIKE, INCLUDING CROSS ARMS.**

**\* FPL SAID THAT THEY WOULD SUBMIT COSTS PER DIFFERENT WATTAGE FIXTURES**

**\* NOTHING MENTIONED ABOUT PERMIT FEES, WHICH SHOULD BE CHARGED AS PER OUR CODE:**

***17.2. Building permit fees.***

***17.2.1 Permit fees established. The village shall charge and collect permit fees for building, plumbing, electrical, mechanical work and for work in the public rights-of-way at the rates listed in the fee schedule on file in the village clerk's office and made a part hereof and no work shall be commenced until the fees have been paid.***

***Page 6&7 shows how much the permit costs, if not stipulated on the fee schedule -***

***<http://www.biscayneparkfl.gov/vertical/Sites/%7BD1E17BCD-1E01-4F7D-84CD-7CACF5F8DDEE%7D/uploads/%7B4F7F38F5-323B-4463-873E-D89646FDE4AE%7D.PDF>***

**Other issues outside of the hardening project that were discussed:**

1. Biscayne Park Public Works Department provided FP&L with a listing of 37 locations throughout the Village where a double pole currently exists. Within 2 weeks, FP&L will provide a timeline on the removal of the excess poles. FP&L recommends that we also contact both AT&T and Comcast to put pressure on them to do the work that is necessary in order to eliminate the excess poles.

Further, the Mayor and Manager will be working on a resolution that will communicate to both AT&T and Comcast the necessity and requirement of their adhering to an expeditious plan of action, in coordination with FP&L, on the removal of the current double poles, and any collaboration that is needed for the hardening project.

**WHY NOT THE ATTORNEY? WHY WOULD MAYOR AND THE MANAGER WRITE THIS? WAS THAT DISCUSSED WHEN I WAS NOT THERE? REMEMBER, IT IS OUTSIDE THE ABILITY OF BISCAYNE PARK TO FORCE ATT/COMCAST TO RELOCATE THEIR LINES, THEY ARE THERE BASED ON AN AGREEMENT WITH FPL AND AS SUCH, IT IS FPL'S RESPONSIBILITY TO DIRECT THE LINES TO BE MOVED.**

2. Biscayne Park Public Works Department also provided FP&L with a listing of several poles throughout the Village that are either leaning or damaged, or both. FP&L will provide information on what steps will be taken to address these.

3. FP&L was also provided with two examples of properties along the railroad tracks where the FP&L pole is within a property as there are no easements. FP&L will provide information on this

issue for all properties along this corridor.

4. FP&L will provide us with wattage information that is available for our street lights **IF WE APPROVE THE PLANS AS THEY ARE, WITH CONCRETE POLES FAR APART, WE WON'T HAVE THE OPTION OF HAVING LOWER WATTAGE, CLOSER TOGETHER IN THE FUTURE**, as well as cost information on having wiring and cabling to go underground, both for our future consideration. **THE LIGHTING ISSUE IS NOT FOR THE FUTURE - IT IS FOR THIS PROJECT. IF IT AN ISSUE OF ELECTRICITY COST, FPL SAID THAT THEY WOULD SUBMIT COSTS PER DIFFERENT WATTAGE FIXTURES, AND WE SHOULD AVAIL OURSELVES OF THIS NOW, EVEN IF WE CAN'T AFFORD IT IMMEDIATELY.**

We thank both Mr. Parea and Mr. Grillo for the time they afforded us for this meeting, as well as their continued communication with our Building Official and Building Clerk, and other staff.

We will continue to keep you updated on both the hardening project and other issues discussed as new information becomes available.

Thank you.

Maria C. Camara, Village Clerk  
Village of Biscayne Park  
640 NE 114th Street  
Biscayne Park, FL 33161  
Tel: 305 899 8000, Ext. 201  
email: [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov)

**village clerk**

---

**From:** Bryan Cooper [bryancooper7@yahoo.com]  
**Sent:** Sunday, January 23, 2011 9:29 PM  
**To:** villageclerk@biscayneparkfl.gov; bcooper@biscayneparkfl.gov  
**Cc:** agarcia@biscayneparkfl.gov; John Hearn; attyhearn@aol.com  
**Subject:** Re: Agenda Item Request Form.doc

#1

Date: (Please refer to the email sent when this was first placed on the agenda in Dec. of 2010).

To: Clerk; Manager, for inclusion on agenda

From: Bryan Cooper

**Re:**

12.a Commissioner Cooper: New police department procedures vs. continuing crime waves in the Village.

**Background Analysis:** None; this is a discussion start; in part based on the campaign platforms of both Mayor Ross, Mr. Childress and myself. In addition, the police chief is in possession of long-range crime statistics for VOBP, that he showed me during union negotiations, and I reviewed briefly; it would be good for Village administration to provide this to all Commissioners for the February meeting. In addition, some Commissioners are aware of the idea of Community policing as a concept. Commissioners might pursue their own research of Community Policing; Crime Mapping; Police Visibility; and other themes that we can discuss in the context of our unique Village. We also see the use of high definition camera technology being used by municipalities in law enforcement, with potential applications in our Village.

**Fiscal/Budgetary Impact:** None identified; if any consensus is created, then the Manager can be directed to research any budget impact in cooperation with our police chief.

**Recommendation:** Aside from specific possible ideas Commissioners might bring to the meeting, I would suggest our considering a weekend workshop whereby the full Commission engages our police department in discussing possible creative initiatives that would be unique for our special Village; also possible technology related initiatives and/or grants.

#2

1/24/2011

## village clerk

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**Subject:** FW: Agenda Item Request Form.doc

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**From:** Bryan Cooper [mailto:bryancooper7@yahoo.com]  
**Sent:** Sunday, January 23, 2011 9:29 PM  
**To:** villageclerk@biscayneparkfl.gov; bcooper@biscayneparkfl.gov  
**Cc:** agarcia@biscayneparkfl.gov; John Hearn; attyhearn@aol.com  
**Subject:** Re: Agenda Item Request Form.doc

#2

Date: (Please refer to the email sent when this was first placed on the agenda in Dec. of 2010).

To: Clerk; Manager, for inclusion on agenda

From: Bryan Cooper

**Re:** Future condensed short bullet list of agenda items to be sent on day 7, prior to Commission meeting, by Clerk to Commission.

**Background Analysis:** In the past year, there have been times that the agenda with backup was not presented to Commissioners for review until shortly before the date of the Commission meeting. It would be helpful if the Clerk, upon closing the deadline for submission of new agenda items from Commissioners, compiled a simple bullet list of clear, understandable titles of all new agenda items and forward them by email to Commissioners.

**Fiscal/Budgetary Impact:** None; a few minutes of the Clerks time to send a brief summary. This will foster a higher degree of transparency and hopefully collegiality, by allowing all Commissioners to see a week in advance the other items set to be brought forth by their colleagues.

**Recommendation:** Ask Manager to direct the Clerk to provide this list to the Commission following the deadline for submission of new agenda items.

---

**From:** village clerk <villageclerk@biscayneparkfl.gov>  
**To:** bcooper@biscayneparkfl.gov  
**Cc:** agarcia@biscayneparkfl.gov  
**Sent:** Thu, January 20, 2011 6:34:56 PM  
**Subject:** Agenda Item Request Form.doc





Date: 11/29/10

To: Clerk Maria Camara

From: Commissioner Steve Bernard

Re: November Agenda Item

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**REQUEST:**

A **DISCUSSION** OF: New shade tree at Recreation Center

**.CKGROUND AND ANALYSIS:**

Due to the previous removal of a large shade tree at the park, a group of 30 residents have donated enough money to install one large oak tree and associated irrigation.

Tree specs, warranty and photo will be provided prior to the 12/7/10 Commission Meeting.

**FISCAL/BUDGETARY IMPACT:**

None, all costs are covered by donation.

**RECOMMENDATION:** Approve

**village clerk**

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**From:** Steve Bernard [steve@stevebernardarchitect.com]  
**Sent:** Tuesday, December 07, 2010 11:51 AM  
**To:** villagemanager@biscayneparkfl.gov; villageclerk@biscayneparkfl.gov; attyhearn@aol.com  
**Cc:** vobparchives@biscayneparkfl.gov; Mark; Rob Pushkin  
**Subject:** Shade tree at Rec Center

Ana,

Attached is the final proposal for the shade tree, along with some photos that were just taken for tonight's meeting.

The work includes delivery, installation as per FNGLA (Florida Nursery Growers & Landscape Association) guidelines, and irrigation (tied to the existing sprinkler pump nearby) that will water the tree 3 to 5 times a day, as well as a one year warranty. The tree has already been root pruned, and can be installed prior to December 18th Winterfest

As per your direction, I discussed this specific tree with Mr. Mark Torok, Senior Forester, Florida Division of Forestry, and he came to the conclusion that this size tree (+/-25' high, caliper between 8" and 10", about a 15' spread) is an approved species and size, provided that proper installation (the tree will also be installed by an arborist) and irrigation is used, and that a Warranty is included. I am copying him on this email, so that he can see the final tree to be installed and contact me with any questions or concerns.

As you know, both the Recreation Advisory Board and Parks & Parkway Board have previously approved the concept of a large shade tree, but the chosen species was the sticking point to be agreed to, with a live oak always being preferred. My attempts to relocate an existing tree either from the Village or nearby communities could never be agreed upon, and I believe that creating "instant shade" with a hardy species will give us the best result for much needed natural shade for many years to come.

I hope that you will recommend that this donation be accepted by the Village as per our many previous conversations, and assuming this is approved tonight, I'll notify the 37 Residents who contributed their time and money about having a small ceremony at Winterfest,

Please distribute to the Commission prior to the meeting, so that they can review.

Sincerely,

Steve Bernard  
 Commissioner  
 Village of Biscayne Park  
 305-538-6324 (I don't have my cell phone today)

cc Mark Torok, Forestry Division of Forestry (954) 475-4194  
 Rob Pushkin, Reliable Property Services (305) 866-9625

----- Forwarded Message -----

**From:** Rob Pushkin <robpushkin@rpsfl.com>  
**To:** Steve Bernard <steve@stevebernardarchitect.com>  
**Sent:** Tue, December 7, 2010 6:49:20 AM  
**Subject:** Shade Tree Proposal

Thank You,

Rob Pushkin

12/29/2010

Reliable Property Services  
Irrigation   Landscape   Maintenance   Lighting

305.866.9625

[www.rpsfl.com](http://www.rpsfl.com)

[www.lightscapingusa.com](http://www.lightscapingusa.com)

Reliable Property Services

19741 NE 24 Ave  
Miami, FL 33180

# Estimate

Date	Estimate #
12/7/2010	10210

Name / Address
Village of Biscayne park

P.O. No.	Project

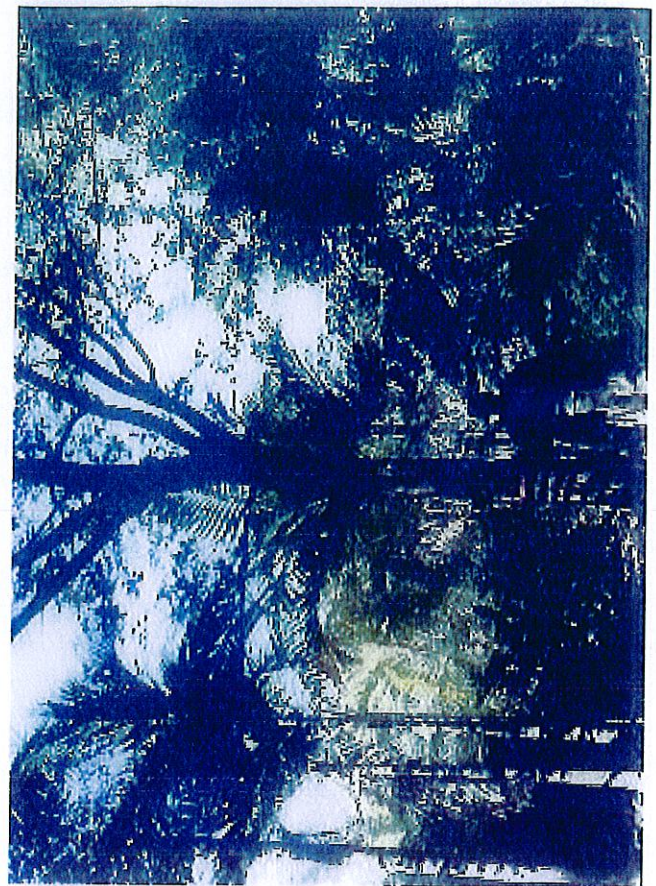
Description	Qty	Rate	Total
Install new Oak Tree with irrigation. Approx. 25' height.			
Live Oak approx. 25 ' ht w/ irrigation	1	2,200.00	2,200.00
1 year warranty.			

	<b>Total</b>	\$2,200.00
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Phone #
305.866.9625

E-mail	Web Site
robpushkin@rpsfl.com	rpsfl.com & lightscapingusa.com







**ACCEPTANCE OF GIFT**

WHEREAS, numerous residents of the Village of Biscayne Park (hereinafter the "Residents"), wish to donate a sum of currency not to exceed two thousand two hundred and xx/100 dollars (\$2,200.00) to the Village of Biscayne Park (hereinafter the "Village") for the purchase and installation of an Oak tree as well as the associated irrigation; and

WHEREAS, the Village this day expresses its gratitude and acknowledges receipt from the Residents of a gift of currency not to exceed two thousand two hundred and xx/100 dollars (\$2,200.00) for the purchase and installation of an Oak tree as well as the associated irrigation; now, therefore:

1. It is the intention of the Residents to vest all incidents of absolute ownership and liability in said currency in the Village from this date forward.

2. The Village does hereby release and hold the Residents harmless and waive all claims against the Residents, its agents, officers and employees, from all claims, actions, and causes of action, damages, losses and liabilities, costs, or expenses whatsoever, arising out of the donation of the Oak tree and its associated irrigation.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

ATTEST:

\_\_\_\_\_  
Maria Camara, Village Clerk

\_\_\_\_\_  
Roxanne Ross, Mayor

State of Florida  
County of Dade

On this, the \_\_\_\_ day of December, 2010, before me, the undersigned Notary Public of the State of Florida, personally appeared \_\_\_\_\_, whose names are subscribed to the within instrument, and they acknowledge that they executed it.

WITNESS my hand  
and official seal

\_\_\_\_\_  
Notary Public, State of Florida  
Persons signing are personally known

**village clerk**

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**From:** ecotilt [ecotilt@bellsouth.net]  
**Sent:** Saturday, December 18, 2010 5:04 PM  
**To:** villagemanager@biscayneparkfl.gov  
**Cc:** village clerk  
**Subject:** Ecology Board Motion Regarding the Donation by the Bernards and Residents - Oak Tree for the Recreation Center

Dear Ms. Garcia,

Thank you for attending our last meeting and working with the Ecology Board. Below is a copy of the motion that was passed regarding the donation by the Bernard's and other residents to purchase shade trees for the Ed Burke Recreation Center. Please forward this email to all the Commissioners prior to January's meeting.

*This is the motion that carried unanimously: We are grateful to all the resident and the Bernard's for raising monies to assist with canopy enhancements and choosing native vegetation. It is a recommendation of the board that the monies be spent on a variety of native species that aesthetically enhance and increase the native biodiversity of the park, green spaces, or entry ways.*

The members expressed consensus that with these funds, the Village could obtain many large native trees specimens and recommend considering additional native species such as mahogany, pigeon plum, etc., which can be used to enhance the recreation center and/or other green spaces.

Thank you.

Respectfully,

Tracy Truppmann

Ecology Board Chairperson

12/20/2010

shouldn't get this with the live oak.

Mark

**Mark B. Torok**

Senior Forester

FL Division of Forestry: Everglades District

3315 SW College Ave

Davie, FL 33314

Phone: (954) 475-4194

Fax: (954) 475-4126

E-mail: [Mark.Torok@freshfromflorida](mailto:Mark.Torok@freshfromflorida)

Serving Broward, Miami-Dade, Monroe & Palm Beach Counties

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**From:** Steve Bernard [mailto:[steve@stevebernardarchitect.com](mailto:steve@stevebernardarchitect.com)]

**Sent:** Monday, January 31, 2011 12:28 PM

**To:** Torok, Mark

**Cc:** [villagemanager@biscayneparkfl.gov](mailto:villagemanager@biscayneparkfl.gov); [vobparchives@biscayneparkfl.gov](mailto:vobparchives@biscayneparkfl.gov); [attyhearn@aol.com](mailto:attyhearn@aol.com)

**Subject:** Proposed Shade Tree location - Biscayne Park

Mr. Torok,

Thank you again for speaking with me last week regarding the proposed new Oak shade tree location.

To follow up on our discussion regarding the Manager's "fifteen foot away from any concrete" concern, I wanted you to see the conditions at the playground, so I am attaching an aerial view of the original Banyan tree, as well as the location of the newly planted oaks, and the approximate location of the proposed larger tree.

As you said (and I agreed), as long as the tree is far enough from the existing building, and at least 6' from the existing concrete sidewalk, there shouldn't be any problems locating it as shown, especially since the newly planted trees are in almost the exact same location as the new one is proposed.

If you have any concerns, or if I didn't understand you completely, please let me know, as the Commission will be voting to accept or deny the tree tomorrow night, and I want to make sure that we're proceeding with best practices in mind.

Sincerely,

Steve Bernard

Commissioner

Village of Biscayne Park

305-588-6177

cc: Village Manager

No virus found in this incoming message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 9.0.872 / Virus Database: 271.1.1/3408 - Release Date: 02/01/11 02:34:00

2/1/2011



**village clerk**

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**From:** village clerk [villageclerk@biscayneparkfl.gov]**Sent:** Monday, January 31, 2011 12:28 PM**To:** 'villageclerk@biscayneparkfl.gov'**Cc:** 'agarcia@biscayneparkfl.gov'**Subject:** FW: Tree Donation

To the Full Commission: Below are the responses from Vice Mayor Bernard in regards to Commissioner Andersons questions 3, 4 and 5. Thank you.

Maria C. Camara, Village Clerk  
 Village of Biscayne Park  
 640 NE 114th Street  
 Biscayne Park, FL 33161  
 Tel: 305 899 8000, Ext. 201  
 email: [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov)

---

**From:** Steve Bernard [mailto:steve@stevebernardarchitect.com]**Sent:** Monday, January 31, 2011 11:56 AM**To:** villageclerk@biscayneparkfl.gov**Cc:** agarcia@biscayneparkfl.gov; attyhearn@aol.com; vobparchives@biscayneparkfl.gov**Subject:** Re: Tree Donation

To answer Commission Anderson's questions:

#3. There were 37 (mostly) residents, the list follows. Each resident donated a \$60 cash stipend for a total of \$2,220 for the expressed purpose of replacing the removed banyan tree with a large shade tree.

#4. The money has been in a personal account until I could obtain a commitment from the Village to put it towards a replacement tree, and I will write a check to the Village as soon as the Resolution is approved.

#5. I would recommend that we do not sign the Agreement with the Contractor until the \$2,200 check clears.

Steve

**Volunteers/Donors, in alphabetical order:**

Susana Armengol

Maria Camara

Karon Coleman

Bryan Cooper

Linda Dillon

Linda Domin

Mariana Ferro

1/31/2011

Mariluce & Mike Gruener

Mayor John Hornbuckle

John Ise

Barbara Kiers

Barbara & Gary Kuhl

Sandy & Commissioner Chester Morris

James Murphy

Katty & Tony Perez-Pinon

Penny Phillips

Sira & Filipe Ramos

Amy & Roberto Refeca

Dan Rodriguez

Mario Rumiano

Elaine & Steve Smith

Lesley Tompsett

Dave Twitchell

Alba & Dan Ward

Kelvyn Whitfield

Gloria Wilder

Josh Young

Claudia & John Zoeller

---

**From:** village clerk <villageclerk@biscayneparkfl.gov>  
**To:** villageclerk@biscayneparkfl.gov  
**Cc:** agarcia@biscayneparkfl.gov; attyhearn@aol.com  
**Sent:** Mon, January 31, 2011 11:08:32 AM  
**Subject:** FW: Tree Donation

To the Full Commission:

I just received the DRAFT minutes from the Recreation Advisory Board. Please see attached. Thank you.

1/31/2011

Maria C. Camara, Village Clerk  
Village of Biscayne Park  
640 NE 114th Street  
Biscayne Park, FL 33161  
Tel: 305 899 8000, Ext. 201  
email: [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov)

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**From:** village clerk [<mailto:villageclerk@biscayneparkfl.gov>]  
**Sent:** Monday, January 31, 2011 9:08 AM  
**To:** 'villageclerk@biscayneparkfl.gov'  
**Cc:** 'agarcia@biscayneparkfl.gov'  
**Subject:** FW: Tree Donation

Commissioner Anderson and Full Commission: Please see answers below. Thank you.

Maria C. Camara, Village Clerk  
Village of Biscayne Park  
640 NE 114th Street  
Biscayne Park, FL 33161  
Tel: 305 899 8000, Ext. 201  
email: [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov)

---

**From:** anderson11905@gmail.com [<mailto:anderson11905@gmail.com>] **On Behalf Of** Commissioner Bob Anderson  
**Sent:** Sunday, January 30, 2011 9:58 AM  
**To:** Garcia Ana  
**Cc:** Village clerk; Village Attorney; Archives  
**Subject:** Tree Donation

Good Morning Everyone

There are still a couple of outstanding questions regarding the possible tree donation - same as those asked about the art sculpture donation - that I would like us to have answers to before the meeting Tuesday.

1. The Boards - we have ecology's recommendation and Maria has let us know (in the agenda packet) we will have P&P and Rec as soon as available as to their recommendations. Attached are the DRAFT minutes from Parks & Parkway's meeting on January 26th. We have not yet received the minutes from the Rec Advisory Board.
2. Once you are ok with where the tree or trees will be placed (Ana I would expect you to be the one to work with the boards) I would like to see a marker placed at the location so that any interested residents could comment (just like was done with the sculpture). Manager Garcia has done a walk-through with Parks & Parkway Chair, Dan Keys, and will have a flag placed in the location they discussed.

In regards to the following three questions, we do not have the answer.

3. As was asked with the sculpture - who are the donors?
4. As was asked with the sculpture - who is writing the check?

1/31/2011

5. If if the Village is writing the check have all the funds been deposted in Village accounts and cleared?

--

Please E-Mail if you would like to be add or removed from this information list

Village of Biscayne Park

Commissioner

Bob Anderson

E-Mail [BANDERSON@BISCAYNEPARKFL.GOV](mailto:BANDERSON@BISCAYNEPARKFL.GOV)

PH 305-899-8000

**village clerk**

---

**To:** villageclerk@biscayneparkfl.gov  
**Cc:** agarcia@biscayneparkfl.gov; attyhearn@aol.com  
**Subject:** FW: FW: Tree Donation

Commissioner Bernard and Full Commission: Here is the response from Manager Garcia to your additional questions:

Dario, the project manager for Aquatica Landscaping will meet me at the park tomorrow and he will give me a full prognosis on the two trees in question. The only person that has given me their opinion on the two trees has been Dan Keys. Dario from Aquatica saw them back in October or November, and Mark Torok from Forestry saw them back then also. Neither one of them at that time were ready to write off the tree and basically told us to keep watering and Dario would look at them again and he will tomorrow. The trees were planted in July so they are still under warranty. If the location is same as existing trees there should be no problem. I can't be certain until tree is planted. In regards to bracing it would be up to the vendor, I have never planted or been involved in planting such a large new tree, all safety questions would need to be answered by this vendor. I have not dealt with the vendor. It is Vice Mayor Bernard's contact. According to direction of commission I will work with this new vendor and also Aquatica to ensure everything is done right and safe. The location of the new trees we planted at park this past year was determined by me working as a team with Parks and Parkways this past summer. On way to my next appointment, thank you.

Sent via BlackBerry by AT&T

Maria C. Camara, Village Clerk  
 Village of Biscayne Park  
 640 NE 114th Street  
 Biscayne Park, FL 33161  
 Tel: 305 899 8000, Ext. 201  
 email: [villageclerk@biscayneparkfl.gov](mailto:villageclerk@biscayneparkfl.gov)

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**From:** anderson11905@gmail.com [mailto:anderson11905@gmail.com] **On Behalf Of** Commissioner Bob Anderson  
**Sent:** Monday, January 31, 2011 9:31 AM  
**To:** villageclerk@biscayneparkfl.gov; Garcia Ana  
**Cc:** Archives  
**Subject:** Re: FW: Tree Donation

Hi Maria

Thanks for the update. I have a few more questions that I hope we will have answers for before the meeting (in addition to the remaining ones from my first email).. I am all for extra shade and I am sure our residents will be thrilled to have it but there are questions that need answering to make the best decision.

1. Who determined that those 2 trees need to be removed - I know most people (and a couple of commissioners) usually get really upset with us when we don't try to save trees even if we are putting others in..

1/31/2011



# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000  
Fax: 305 891 7241

## Board Members

John Holland  
Chair

James Murphy  
Vice Chair

Grisette Marcos-Roque

Rachel O'Conner

Helga Silva

**Draft  
Pending Board  
Approval**

## **MINUTES RECREATION ADVISORY BOARD Wednesday, January 12, 2011 at 6:30PM**

1) Call to order

2) Roll Call - John Holland, James Murphy, Grisette Marcos were present, Rachel O'Conner has been confined to bedrest and was absent, as was Helga Silva.

3) A discussion on the shade tree was added to the agenda as 5a) per Commissioner Bernard's kind request

4a) Old Business - Movie Night Updates

- Issa was able to relay Rachel's conversation with Shawn from Mooie's; we have a screen available for rent at \$250; Shawn can provide sound and projector per previous discussions.
- I have no notes nor recollection on the possibility of additional sponsorships from Tropical Chevrolet and Knights of Columbus, except that Issa would pursue same.
- Target date of Friday the 18th of February, which was later changed as I understand it to March 4th.
- Publicity - Issa was to include in the newsletter, John was (is) to reach out to the Commissioners (will do tomorrow), Issa will utilize his contacts list through Coach Joe and the rec teams, a flyer should be forthcoming from Issa, and Grisette would reach out to the Herald events team.
- Execution - Agreed that we should establish a meeting time, a start time, and an intermission, to include a message from sponsors, any important village messages, and a "let's go out the lobby" type of tongue-in-cheek short. The cost of airing the movie (copyright etc.) would be investigated and Issa has done this

now. We would also agree to solicit donations (voluntary) as well as ask residents to cleanup any refuse (we will provide bins)

- What Movie? - We were all supposed to think about this and I keep coming back to wanting to do something that kids will enjoy but has adultish humor and sensibilities (James and the Giant Peach or something like that)

4b) Old Business - Clubs - My notes here are either missing or inadequate; basically there was agreement that social networking via Facebook would be the best bet to raise awareness of the clubs and potentially add more (Bingo, etc.)

#### 5a) New Business - Shade Tree

A discussion was held regarding the proposed shade tree addition to the recreation center area. Commissioner Bernard kindly brought everyone up to speed on the sad state of the existing oak trees, which would not provide shade anyway for many years given their diminutive size. He also presented an estimate from Rob Pushkin at Reliable Property Services to install a large oak at or near to previous shade tree location, with consideration being given to the new sidewalks when deciding exactly where to install the oak. We were also advised that this would be funded by donations from 30+ residents, an important consideration given the current economic climate. Based on our own observations, the documents provided by Commissioner Bernard, and the fact that we all like shade in the summer, a vote was held and by a unanimous decision of 3-0, the Recreation Board voted in favor to recommend that this initiative be formally approved at the next regular Commission meeting.

6) Public Comments - There were some ideas for movies but my notes are incomplete

7) Announcements - None that I can recall

8) Adjournment





**Existing Oak Trees at Proposed Location**  
(Original Contractor will relocate new trees at no cost because these are not thriving)



**village clerk**

---

**From:** Steve Bernard [steve@stevebernardarchitect.com]  
**Sent:** Monday, January 31, 2011 12:28 PM  
**To:** torokm@doacs.state.fl.us  
**Cc:** villagemanager@biscayneparkfl.gov; vobparchives@biscayneparkfl.gov; attyhearn@aol.com  
**Subject:** Proposed Shade Tree location - Biscayne Park

Mr. Torok,

Thank you again for speaking with me last week regarding the proposed new Oak shade tree location.

To follow up on our discussion regarding the Manager's "fifteen foot away from any concrete" concern, I wanted you to see the conditions at the playground, so I am attaching an aerial view of the original Banyan tree, as well as the location of the newly planted oaks, and the approximate location of the proposed larger tree.

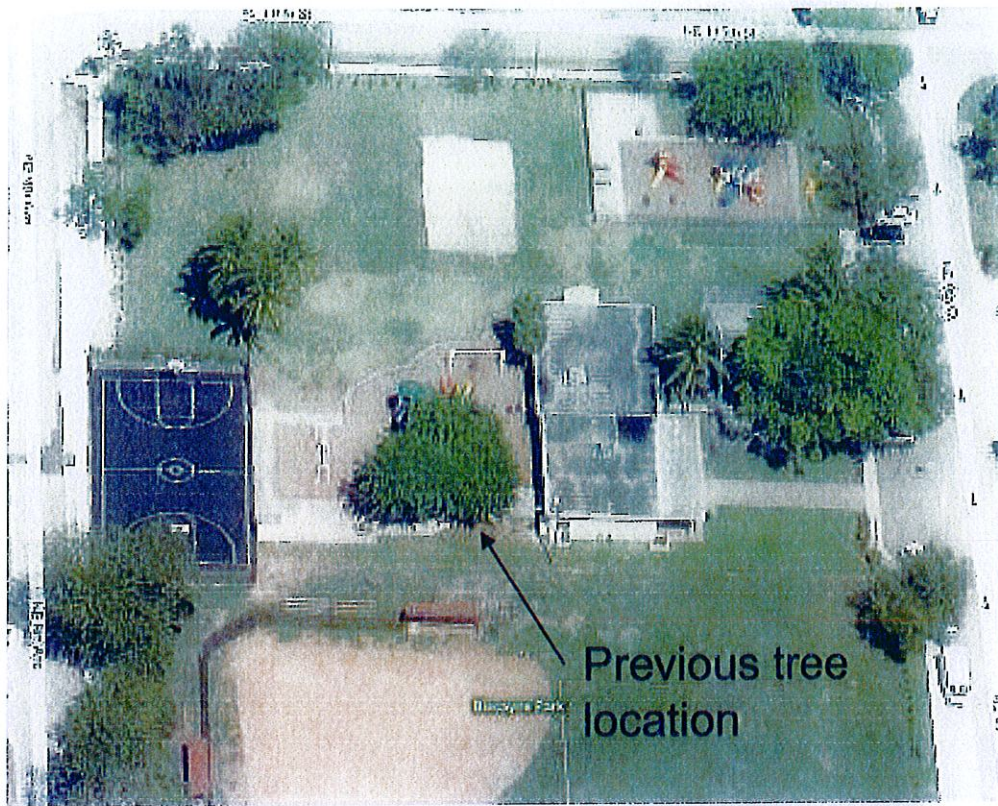
As you said (and I agreed), as long as the tree is far enough from the existing building, and at least 6' from the existing concrete sidewalk, there shouldn't be any problems locating it as shown, especially since the newly planted trees are in almost the exact same location as the new one is proposed.

If you have any concerns, or if I didn't understand you completely, please let me know, as the Commission will be voting to accept or deny the tree tomorrow night, and I want to make sure that we're proceeding with best practices in mind.

Sincerely,

Steve Bernard  
Commissioner  
Village of Biscayne Park  
305-588-6177

cc: Village Manager



Aerial photo prior to removal of Banyan tree



Aerial photo prior to current tree installation (new trees estimated)





1 of 2 existing  
oaks to be  
replaced with  
new Shade Tree  
(showing  
condition and  
height of  
branches at  
playground)





# Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000

Fax: 305 891 7241

## Board Members

Dan Keys  
Chair

Barbara Kuhl  
Dan Samaria  
Randy Wagoner  
John Zoeller

## Alternate

Lynn Fischer

## PARKS AND PARKWAYS ADVISORY BOARD MINUTES

January 26, 2011 6 P.M.  
Ed Burke Recreation Center  
11400 NE 9<sup>th</sup> Court

- I. CALL TO ORDER AND ROLL CALL  
Present: Dan Keys, Barbara Kuhl, Dan Samaria, Randy Wagoner, John Zoeller  
(until 7:40), Lynn Fischer (alternate)  
Introduction of new member – Dan Samaria – welcome!
- II. AGENDA ADDITIONS AND DELETIONS - none
- III. PUBLIC COMMENT (PERMITTED FOR EACH AGENDA ITEM)
- IV. APPROVAL OF MINUTES  
December 8, 2010 – Revised then unanimously approved.
- VI. OLD BUSINESS
  - A. Village staff status report
    1. NE 6<sup>th</sup> Ave. Median  
Our employees completed weeding; this median needs consistent maintenance to keep weeds under control.
    2. Tree removal permits  
Permits have not been applied for.
    3. Athletic field ( mole cricket control, weed control, mowing height, irrigation issues, resodding, fertilization)  
Issa reported: mole cricket and fire ant bait has been applied; the sports programs are coming to an end until the end of March; Kevin Hardy is coming to inspect the field and give recommendations; sprigging is being considered since it is the most cost effective; residents are regularly using the field and paying for its use; sprinklers have been adjusted. It was suggested that the Recreation Board address the issue that the Recreation Center does not bring in enough money to properly maintain its field. If the Village is renting its field, it has an obligation to keep it in good condition. Money must be found in the Village's budget to properly maintain the athletic field – it's an asset to the Park. Maintaining the field is more cost effective than having to periodically restore it. A motion was made by Dan Samaria and seconded by Barbara Kuhl: Issa

will research and give a report as to what services are needed to ensure that the field is in excellent condition by the end of next summer. The motion passed unanimously.

4. Village sign -- coconut palms

They can be moved by our employees if a backhoe is rented.

5. Median maintenance

Our manager is bidding this out next week.

6. Tree trimming --

Our manager is considering applying for a grant to cover tree trimming. It was stated, that the focus needs to be on caring for the trees we have. The last company that trimmed our trees did a very superficial job -- more extensive work is seriously needed. The following issues need to be considered: the health of the tree; its structure and shape; low branches that interfere with traffic; hazardous limbs. A motion was made by Barbara Kuhl and seconded by Randy Wagoner: **It is recommended that the Village seek outside assistance to assess trimming of its trees, specifically targeting hazardous conditions and road clearance issues, and prioritize trimming needs.** The motion passed unanimously.

7. Insect and disease control on Gumbo Limbo trees

They still need to be treated. A few young oaks also need treatment. Systemic treatment is best. It can be administered by our employees and is fairly safe for our wildlife.

8. Tree City USA application

Notification from the state has been received that Biscayne Park should be awarded this.

9. Foundation report Tree fund -- status of designated donations

The Foundation is still being established, but money that Parks and Parkways raised is designated for their projects.

B. Discussion -- next steps in planning process for median landscaping

1. Median sized trees

2. Moving trees in conflict with newly planted trees

3. Tree removals -- dead trees

4. Entrance projects

5. Mini Park Development

Canal Parks and Griffing Park.

The next area to consider landscaping is between 113<sup>th</sup> and 114<sup>th</sup> Streets on 6<sup>th</sup> Avenue. John Zoeller asked if there should be an overall view of Biscayne Park's landscaping needs, including not only its planting but its outdoor furniture. It was discussed that in the past project money often comes from grants which to an extent dictates what projects are taken on. Our commission is constantly changing, bringing in new ideas and this has also slowed movement towards one goal. Landscape architects have been hired in the past, but as time goes by goals change. It was suggested that as landscaping is developed, educational elements should be included. It was expressed that each location needs to be individually evaluated to determine its needs and its character.



VII. NEW BUSINESS

A. Recommendation concerning Commissioner Bernard's donation for large tree.

Commissioner Bernard was asked to present his plan for replacing the ficus tree that was removed from the tot lot area. The tree selected to replace the large banyan tree is an oak – 25' high, 8-10" caliber, and a spread of 15-16'. The donated money covers the tree, its delivery, planting, an automatic watering system, and a 1 year warranty. 2 new oaks are not doing well. Commissioner Bernard stated that the contractor will remove them and replace them with any tree in any desired location. It was presented that play bars could be easily moved, allowing oak to be closer to playground equipment where it would provide more shade. A motion was made by Dan Samaria and seconded by John Zoeller: **The previous banyan will be replaced with the 25 foot oak tree. Our manager will arrange for the existing tree's removal.** The motion passed unanimously.

B. Discussion of landscaping City property between NE 113 St. and 114 St.

As a Martin Luther King memorial activity, Volunteers mulched the area to improve appearance. About \$800 was donated for landscaping this area. The Civic Club has about \$3,000 that has never been used and it is possible that this money could be asked for. With the funds that the Parks and Parkways board raised selling oak trees (+/- \$1,5000), there may be a total of about \$5,300.00 that could be used for this location and the Recreation Center's entrance. Resident Gary Kuhl brought a drawing of present landscaping. He suggested that the planting around the entrance sign be continued: fire bush, Jamaican caper, coco plum, oak, and perhaps senna for color. One of the goals is to hide the parking lot. It was suggested that sabal palms, saw palmettos, stoppers, pine trees be the base of the landscape. The board expressed a consensus that the existing royal palms would not be in keeping with these base plants and suggested that they be removed (most are not healthy). The possibility of a company removing the palms free for its own use is going to be explored. A separate permit would be needed for removing and replacing the palms. Connect to Protect, a project that restores former pine lands will be looked into for the possibility of funding or other assistance. A backhoe could trench the area and we could do the planting. Smaller plants could be used and heavily mulched. Motion was made by Barbara Kuhl and seconded by Dan Samaria: **Plans should be developed to landscape the area on 6<sup>th</sup> Ave. between 113<sup>th</sup> and 114<sup>th</sup> Streets with sabal palms, Dade County pines, and understory plants, removing the coconut palms and royal palms.** The motion passed unanimously.

C. Landscaping plans for Recreation Center

Board looked at plans previously developed.

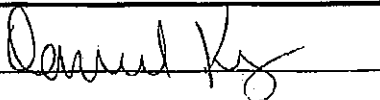
D. Arbor Day 2011

Discussion deferred

NEXT MEETING DATE – Tentative – February 16, 2011

ADJOURNMENT – 8:20 PM

Daniel Keys, Chair  
As approved



PtP meeting 1/26/11

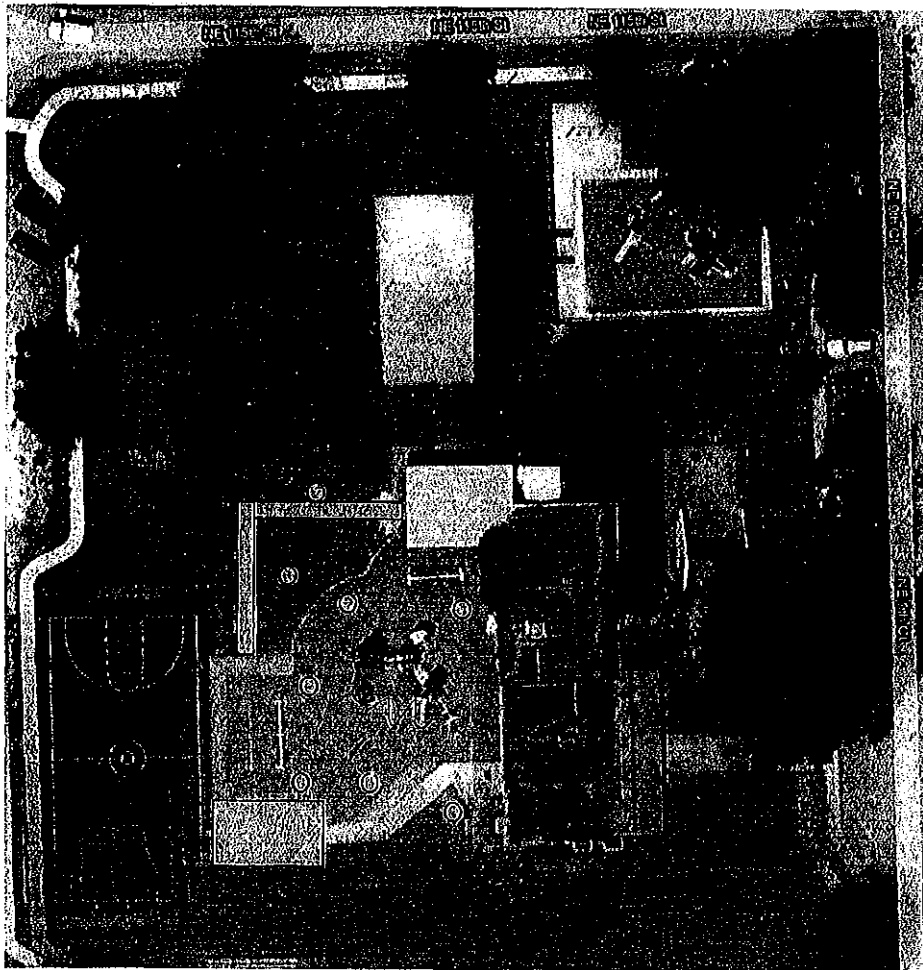
Steve Bernard  
Presentation (1)





1/26/14  
 P+P meeting  
 Steve Bernard  
 Presentation #2

Previous tree  
 location



Aerial photo  
 prior to  
 current tree  
 installation  
 (new trees  
 estimated)



P+P meeting 1/26/11

Steve Bernard  
Presentation (6.3)

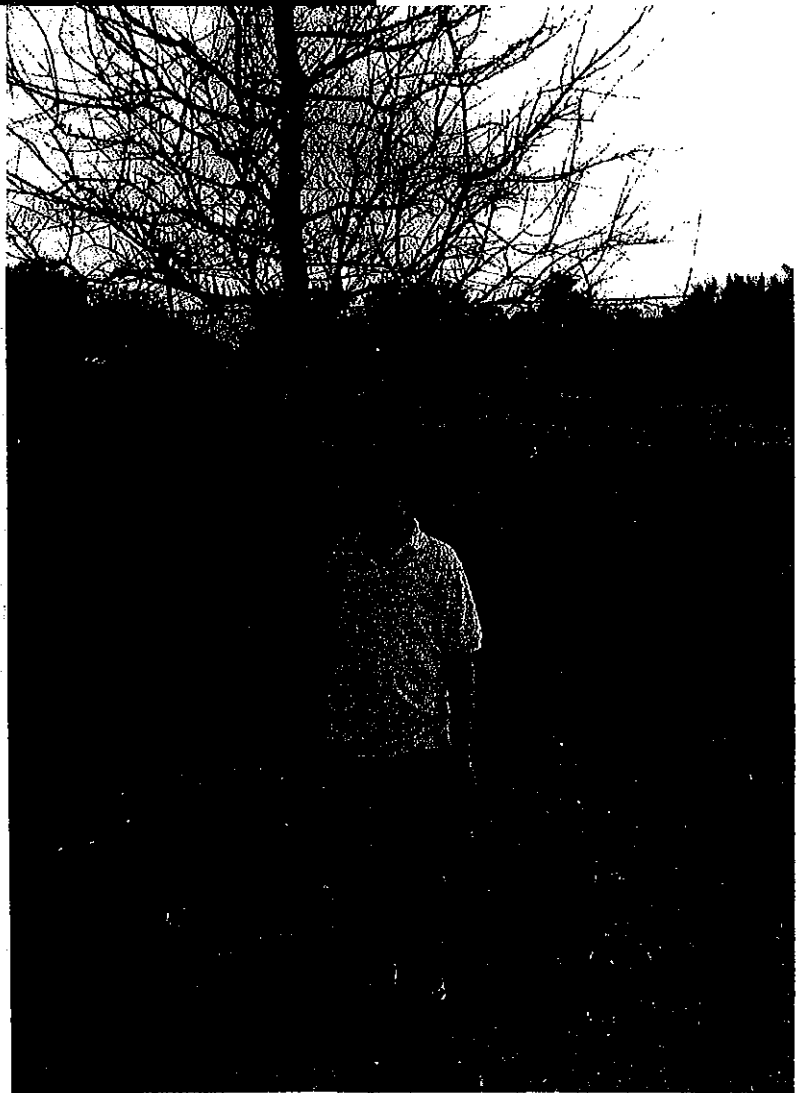


### Existing Oak Trees at Proposed Location

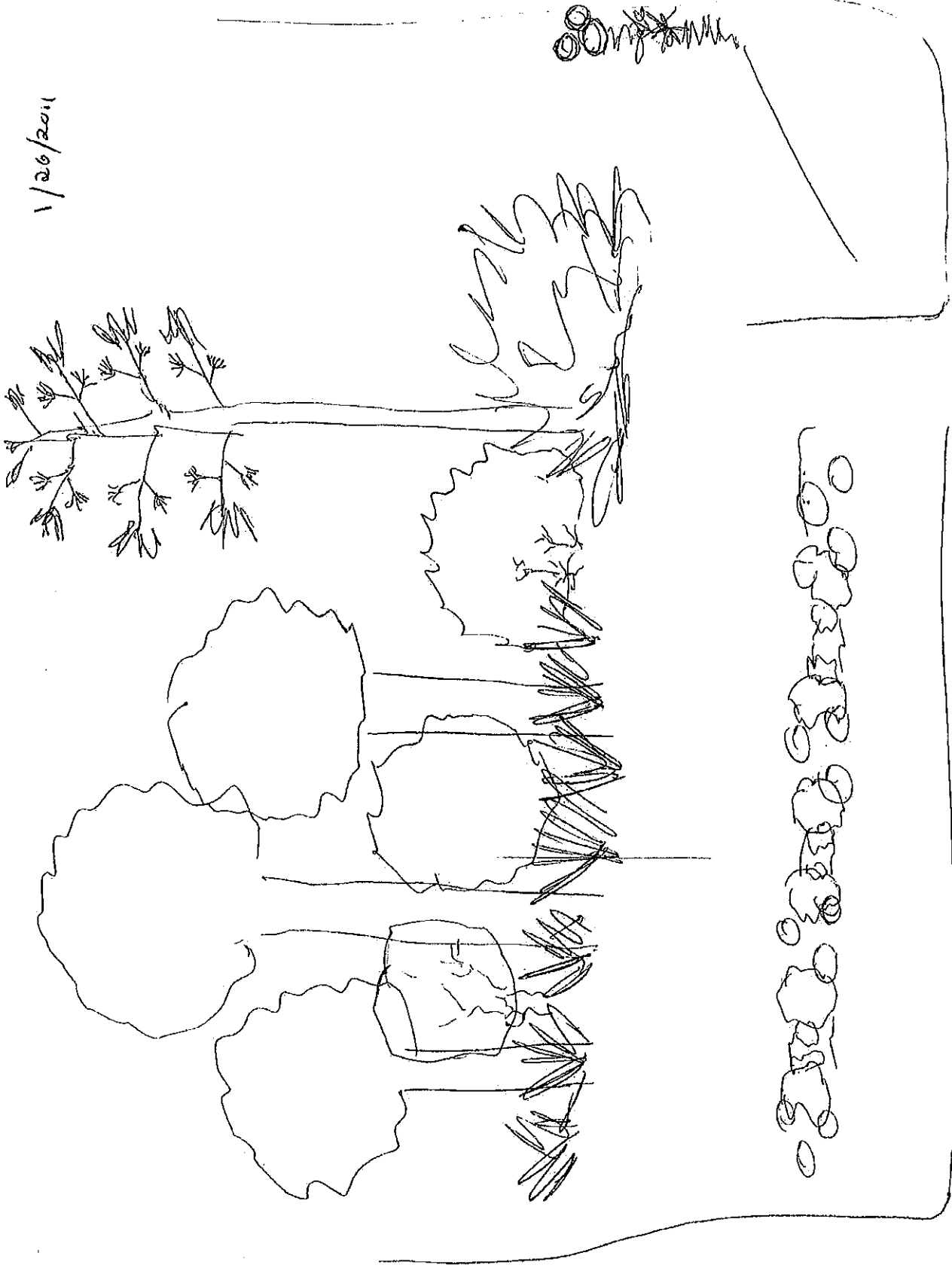
(Original Contractor will relocate new trees at no cost because these are not thriving)

PSP meeting 1/26/11

Steve Bernard  
presentation (#4)



1/26/2011



Sketch NE GA between 113 and 114.5  
Don Kays P+P meeting 1/26/11



## Village of Biscayne Park

640 NE 114<sup>th</sup> Street  
Biscayne Park, FL 33161

Tel: 305 899 8000  
Fax: 305 891 7241

### ECOLOGY BOARD MEETING MINUTES THURSDAY, FEBRUARY, 17, 2011

#### Board Members

Tracy Truppmann  
Chair

Matt Davis

Tom Pliske

Art Pyle  
Vice Chair

Victor Romano

#### Alternate

Linda Carrington

Pending Board  
Approval

1. **CALL TO ORDER:** The Ecology Board meeting was called to order at 6:30 p.m. by Vice Chairperson Art Pyle.
2. **ROLL CALL:** Board members present were Matt Davis, Tom Pliske and Art Pyle. Commissioner Steve Bernard arrived shortly after roll call.
3. **ADDITIONS, DELETIONS OR CHANGES TO THE AGENDA:** Commissioner Bernard requested to present information regarding the donation of a specific live oak tree for the Ed Burke Recreation Center.
4. **OLD BUSINESS:**
  - a. **REVIEW AND APPROVE THE MINUTES FROM December, 16, 2010 MEETING:** Since there were only two members at tonight's meeting that were at the previous meeting, members agreed to postpone approving the minutes.
  - b. **SCHEDULED NEXT MEETING:** The next meeting will be Thursday, March, 17, 2011 @ 6:30 p.m.
5. **NEW BUSINESS:**
  - a. **Battery Recycling:** Ms. Pilar Aparicio of ECOBATT, a commercial battery-recycling firm, presented methods to recycle spent batteries. Their container would be located within the Park for the residence to recycle small batteries from flashlights, cell phones and other small electronic devices. ECOBATT picks up once a month for processing at a fee of \$500.00. They would be willing to reduce the container fee to \$ 350.00 for the first month to allow for an

initial assessment to see if the quantity being recycled would warrants the expenditure. The members agreed to discuss the presentation to the rest of our board for review.

- b. **Funds to Purchase Live Oak Tree for Recreation Center**: Commissioner Bernard made a presentation to our board explaining the specifics of why and how the donation process for a shade tree for the Ed Burke Recreation Center came about. Commissioner Bernard explained that the original intention of the donation was to provide a large shade tree. Commissioner Bernard showed photos of the oak and discussed the benefits of having "instant shade" and would not cost the village any monies. He stated the tree would have a one year warrantee but maybe able to be extended. Using this additional information the board amended our previous motion to include the following;

*If the board was being directed to provide a recommendation to accept or decline a "free" large native oak tree, at no cost to the Village, to be planted at the Ed Burke Recreation Center, then the members would agree to amend the previous motion to accept a large native oak, even though we already have an abundance of oaks. We also recommend the Commission consider diversifying it's canopy with other native trees.*

This motion carried 3 to 0 to amend as stated.

- c. **Septic systems**: Matt Davis provided an update on the septic tank legislation. It appears that the legislature is still a long ways from finalizing any plan. He will keep us up to date as thing occur.
- d. **Additional recycling**: We discussed the recycling of additional items such as old paint containers and pharmaceuticals and discussed the need to find ways to deal with these items.

**6. COMMENTS FROM THE PUBLIC**: See Item 5b.

**7. ANNOUNCEMENTS**: The next meeting will be Thursday, March, 17, 2011 at 6:30 p.m.

**8. ADJOURNMENT** : at 7:15 p.m

**village clerk**

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**From:** Ana M. Garcia [villagemanager@biscayneparkfl.gov]  
**Sent:** Tuesday, February 01, 2011 12:34 PM  
**To:** 'Steve Bernard'  
**Cc:** vobparchives@biscayneparkfl.gov; robpushkin@rpsfl.com; villageclerk@biscayneparkfl.gov; attyhearn@aol.com  
**Subject:** RE: Proposed Shade Tree location - Biscayne Park  
 Vice Mayor Bernard and full Commission,

Thank you Vice Mayor for providing. During the park renovations we did replace some cracked sidewalk in this area, but we don't know the origin of the cracks. I have also had extensive conversation with Dan Keys to alleviate this concern and if in the future this could pose a potential problem he concurred with me that we can remedy with different and inexpensive solutions and materials, such as a plastic mesh being inserted in a trench abutting the sidewalk, hence protecting the roots going in the direction of the concrete.

---

**From:** Steve Bernard [mailto:steve@stevebernardarchitect.com]  
**Sent:** Tuesday, February 01, 2011 10:34 AM  
**To:** villagemanager@biscayneparkfl.gov; villageclerk@biscayneparkfl.gov; attyhearn@aol.com  
**Cc:** vobparchives@biscayneparkfl.gov; robpushkin@rpsfl.com  
**Subject:** Fw: Proposed Shade Tree location - Biscayne Park

All,

FYI, here's the response from Forester regarding placement of proposed tree.

By the way, any questions you have about bracing or other issues, you can always call the Vendor directly... his contact info is on his proposal submitted in December - his name is Robert Pushkin, his phone number is 305-866-9625, his email is robpushkin@rpsfl.com. As stated before, the tree will be installed by an arborist, following FNGLA guidelines.

I am copying him on this email, and attaching the aerals I sent to the Forester.

Sincerely,

Steve Bernard

----- Forwarded Message -----

**From:** "Torok, Mark" <Mark.Torok@freshfromflorida.com>  
**To:** Steve Bernard <steve@stevebernardarchitect.com>  
**Cc:**  
**Sent:** Tuesday, February 1, 2011 10:17 AM  
**Subject:** RE: Proposed Shade Tree location - Biscayne Park

Mr. Bernard,

I don't think it should be an issue. At least the tree won't be planted right next to the sidewalk. If the previous banyan tree wasn't an issue with the sidewalk then I don't foresee this oak causing any immediate problems. Besides, it looks like the other oak trees are planted about the same distance from the sidewalk. Plus those children will need the shade especially in the summer. The main problem you get when trees are planted to close to the sidewalk is the roots uplifting or cracking the sidewalk. If you didn't get this problem with the old, larger banyan tree then you



Date: 1/24/11

To: Clerk Maria Camara

From: Commissioner Steve Bernard

Re: February Agenda Item

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**AGENDA ITEM REQUEST:**

A **DISCUSSION** for an Ad Hoc Art Review Board

**BACKGROUND AND ANALYSIS:**

Due to the previous controversy caused by the June Donation by generous Biscayne Park Residents of a Sculpture for Village use without any formal Village policies or procedures for choosing, accepting, or locating Public Art, and due to the fact that the Mayor has informally sponsored another Sculpture Donation (see attached 1/2/11 email from Mayor), an Ad Hoc Art Review Board will serve to formalize any further Public Art donations by creating both policies for acceptance and locating, as well as to provide professional input for the guidance in collective decisions for our community.

It is recommended that the Board be made up of Residents who have either technical, practical, or formal educational experience with Public Art, and that their meetings be advertised by the Village, work under Sunshine Laws (including properly noticed Agendas and formally approved Minutes), and provide guidance as required for both donated and publicly purchased Public Art.

It should also be noted that most cities that accept Public Art donations has either a policy to review and accept or an Art Review Board, or both.

**FISCAL/BUDGETARY IMPACT:**

Unknown, would include use of Public Meeting Room, Clerk notifications via Email/Web/Posted Notice, time during Commission Meetings for Reports

**RECOMMENDATION: Approve**

-----Original Message-----

From: Rox Ross <rox@roxross.com>

To: ROX@roxross.com

Sent: Sun, Jan 2, 2011 10:27 pm

Subject: Happy New Year 2011 in the Village of Biscayne Park

Dear Neighbors,

(Note: unrelated content not included)

One related initiative taken up by cities nationwide, supported by the Florida League of Cities in partnership with DC-based Partners for Livable Community, is public art --- it has been said to instill neighborhood pride, value of public space, and serve as a deterrent for crime and violence. Public art throughout our Village may include murals and sculptures, traditional or abstract outdoor displays for viewing, or functional pieces like a bicycle rack, climbable structure or a simple bench for resting a spell as we walk through our Village. So, our first piece of donated public art is up for your viewing -- it's a small accent in one of our open spaces along 6 Ave at 114 St. I am interested in knowing your response to Triax Alpha V by Bilhenry Walker, and to public art in our Village in general.

**There is a growing pool of donations for the purchase of a second piece of public art for the Village. Biscayne Park being the unique place that it is, I have no doubt that we have more than a fair share of artist of varying experience and disciplines to guide us in collective decisions for our community, and I welcome your contributions and suggestions for the best use of these pooled donations. So far, the proposed piece is created by Rob Lorensen titled Xs and Os #5 – attached is a pic for your consideration. If you are interested in contributing comment, time, energy or cash to these community efforts, please let me know.**

Thank you for allowing me the privilege to serve as your Mayor. I wish you all good health, love and joy in the New Year. Rox

Village of Biscayne Park

640 NE 114 Street

Biscayne Park, FL 33161

Village Hall – 305-899-8000

Cell Phone – 305-710-0620



**village clerk**

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**From:** Bryan Cooper [bryancooper7@yahoo.com]  
**Sent:** Friday, January 28, 2011 9:24 PM  
**To:** villagemanager@biscayneparkfl.gov  
**Cc:** Village clerk; Archives  
**Subject:** Re: badges; agenda item for March meeting

Ms. Garcia:

Per you question below....I do not have (and would never accept) a badge.

Please place the below on the agenda for the March meeting. I have no backup documentation; nor is there a cost analysis.

Date: January 28, 2011

To: Clerk; Manager

From: Bryan Cooper

**Re: Police-style badges given to Commissioners**

**Background Analysis: None.**

**Fiscal/Budgetary Impact: None.**

**Recommendation: None at this time; To be discussed before the full Commission.**

Bryan Cooper

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**From:** Ana M. Garcia <villagemanager@biscayneparkfl.gov>  
**To:** Rox Ross <rox@roxross.com>; Steve Bernard <steve@stevebernardarchitect.com>; Commissioner Bob Anderson <banderson@biscayneparkfl.gov>; Al Childress <albertchildress@yahoo.com>; Bryan Cooper <bryancooper7@yahoo.com>  
**Cc:** Village clerk <villageclerk@biscayneparkfl.gov>; Archives <vobparchives@biscayneparkfl.gov>  
**Sent:** Fri, January 28, 2011 5:06:12 PM  
**Subject:** badges

Good afternoon all, Tom from the herald called me as he is doing a story on North Miami and badges for officials. How many of you have badges? This varies from City to City. If you have already answered this please disregard. Thank you.

Ana M. Garcia, CPRP  
 Village Manager  
 640 NE 114th Street  
 Biscayne Park, FL 33161  
 Ph. 305.899.8000 ext. 229  
 Fax. 305.891.7241  
[agarcia@biscayneparkfl.gov](mailto:agarcia@biscayneparkfl.gov)



Date: **3/25/11**  
To: **Clerk Maria Camara**  
From: **Commissioner Steve Bernard**  
Re: **April Agenda Item**

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**REQUEST:**

**A DISCUSSION OF: Consent Agenda Items**

**BACKGROUND AND ANALYSIS:**

The past several Consent Agendas have not adhered to Resolution #2005-20 as follows, "the Clerk shall establish a consent agenda for the adoption of resolutions and other items of routine business upon the advice and recommendation of the Mayor", given that many of the items are anything but "routine".

Furthermore, those items that have been pulled from the Consent Agenda for discussion continue to be heard prior to other Agenda items that have been not heard for months due to lack of time. The effect of this is to 'skip the line' of previously requested Agenda items, and subvert the process of hearing Agenda items in their proper order.

Furthermore, this Resolution is pre-Manager Charter Revisions, so the proper course of action is to rewrite this Resolution to remove any reference to the Mayor.

One recommendation is to consider how the Town of Bay Harbor Islands describes their Consent Agendas in their Agenda: *"Consent agenda items are those which are routine, do not require discussion or explanation prior to Town Council action, or have already been discussed and/or explained and not require further discussion or explanation."*

**FISCAL/BUDGETARY IMPACT:**

**Costs – minimal, the writing of a Resolution**

**RECOMMENDATION:**

**Rewrite the Resolution regarding Consent Agenda items to conform to our current Charter, and have the Manager follow the letter of the Resolution and only include "routine business items".**

**village clerk**

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**From:** hartungpj@aol.com  
**Sent:** Thursday, March 24, 2011 10:03 AM  
**To:** villageclerk@biscayneparkfl.gov  
**Subject:** Code Review Update

(Maria, please distribute to the mayor and commission for inclusion as the code review report at the april commission meeting)

Good Morning..

Below is an update of the work done by the Code Review Comittee during our March 2011 meetings.

March 8 - The board discussed the issues and ideas brought up during the public workshop and March commission meeting. Hedges, Fences in side and front yards were discussed at length with a focus on height, location, visibility and plantings to shield. There were many residents in attendance and we took public comment. No decisions were made during this meeting.

March 22 - The board decided to focus on each area individually and begin making decisions. We started with side yard fences and made several decisions about the location, height and plantings of shrubs to sheild the fence. These decisons included much discussion with charts and drawings. There were residents in attendance and we took public comment. We began discussions regarding front yard fences but adjourned prior to making any decisions.

The board has decided to review all areas related to fencing, side and front as well as hedges and make its recommendation as a whole to the commission. We are making progress and I expect we should be able to complete this task shortly.

Our next meetings will be April 12 and 26.

Thank you,

Gage Hartung  
Chairman